

# MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Wednesday, June 10, 2020 at 9:00 a.m.

Bartholomew Building Upper Conference Room

110 N. Court St., Heppner, Oregon

**See Electronic Meeting Information on Page 2**

1. **Call to Order and Pledge of Allegiance - 9:00 a.m.**
2. **City/Citizen Comments:** Individuals may address the Board on topics not on the agenda
3. **Open Agenda:** The Board may introduce subjects not on the agenda
4. **Consent Calendar**
  - a. Approve Accounts Payable and Payroll Payables
  - b. Minutes: April 8<sup>th</sup>
  - c. LPSCC (*Local Public Safety Coordinating Council*) Coordinator Contract
5. **Business Items**
  - a. North Morrow Vector Control District Update (Greg Barron, Manager)
  - b. Request to approve appointment to the North Morrow Vector Control District Board (Greg Barron)
  - c. Discussion: Umatilla Police Department Request for Dispatching Services from Morrow County (Sheriff Ken Matlack)
  - d. Morrow County Government Command Center Update
  - e. Reopening Plan Criteria Benchmarks
  - f. Public Utility Commission – Discussion Regarding Petition to Intervene (Justin Nelson, County Counsel)
  - g. Census 2020 Update (Chair Lindsay)
  - h. Budget Resolution No. R-2020-11 (Kate Knop, Finance Director)
  - i. Agenda Building for June 17<sup>th</sup> Joint Meeting with Grant County at the OHV Park
6. **Department Reports - Written**
  - a. Community Development Department Monthly Report
  - b. Planning Department Monthly Report
7. **Correspondence**
8. **Commissioner Reports**
9. **Signing of documents**
10. **Adjournment**

Agendas are available every Friday on our website ([www.co.morrow.or.us/boc](http://www.co.morrow.or.us/boc) under “Upcoming Events”). Meeting Packets can also be found the following Monday.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Roberta Lutchter at (541) 676-5613.

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Board may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend. Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the

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media. The Board may recess for lunch depending on the anticipated length of the meeting and the topics on the agenda. If you have anything that needs to be on the agenda, please notify the Board office before noon of the preceding Friday. If something urgent comes up after this publication deadline, please notify the office as soon as possible. If you have any questions about items listed on the agenda, please contact Darrell J. Green, County Administrator at (541) 676-2529.

### **Electronic Meeting Information**

Morrow County Board of Commissioners is inviting you to a scheduled Zoom meeting. Join Zoom Meeting

<https://zoom.us/j/5416762546>

**PASSWORD: 97836**

Meeting ID: 541-676-2546

#### Zoom Call-In Numbers for Audio Only:

- 1-346-248-7799, Meeting ID: 541 676 2546#
- 1-669-900-6833, Meeting ID: 541 676 2546#
- 1-312-626-6799, Meeting ID: 541-676-2546#
- 1-929-436-2866, Meeting ID: 541-676-2546#
- 1-253-215-8782, Meeting ID: 541-676-2546#
- 1-301-715-8592, Meeting ID: 541-676-2546#

Meeting ID: 541-676-2546

Find your local number: <https://zoom.us/u/abD3eWKYVW>

**Morrow County Board of Commissioners Meeting Minutes  
April 8, 2020  
Bartholomew Building Upper Conference Room  
Heppner, Oregon**

**Present In-Person**

Chair Melissa Lindsay  
Commissioner Don Russell  
Commissioner Jim Doherty  
Darrell J. Green, Administrator  
Justin Nelson, County Counsel  
Gregg Zody, Community Development  
Roberta Lutcher, Executive Assistant  
Gayle Gutierrez, Treasurer  
Andy Fletcher, CBEC General Mgr.  
Rollie Marshall, Ione School District  
John Murray, Port Commissioner  
Greg Sweek, Enterprise Zone Manager  
David Sykes, Gazette-Times

**Via Electronic Means**

Karmen Carlson, HR Director  
Mike Gorman, Assessor/Tax Collector  
Ann Jones, Fair Secretary  
Kate Knop, Finance Director  
Matt Scrivner, Public Works Director  
Linda Skendzel, Veterans Services  
Gerry Arnson, CBEC Board  
Kraig Cutsforth, Heppner City Manager  
Justin Hoeft  
Nicole Mahoney, County Health District  
Lisa Mittelsdorf, Port of Morrow  
Aaron Palmquist, Irrigon City Manager  
Karen Pettigrew, Boardman City Manager  
Sandy Toms, Boardman Mayor

**Call to Order & Pledge of Allegiance:** 9:01

**City & Citizen Comments:** Justin Hoeft encouraged the County to have meetings available through YouTube or some other platform. Chair Lindsay said that has been explored and current circumstances make it worth looking into again.

**Open Agenda:** No items

**Consent Calendar**

*Commissioner Russell moved to approve the following items in the Consent Calendar:*

1. *Accounts Payable, April 9<sup>th</sup>, \$121,670.75; Retirement Taxes, April 6<sup>th</sup>, \$22,564.59*

*Commissioner Doherty seconded. Unanimous approval.*

**Business Items****High-Speed Internet Access to Morrow County Citizens – Task Force**

Chair Lindsay said the Boardman Chamber of Commerce has made progress in this area and suggested there be a collaboration with them. She then asked for input from others at the meeting.

Andy Fletcher, Columbia Basin Electric Cooperative, outlined his organization's efforts in the last few years to pursue high-speed internet in Morrow County. He said the Coop can't do this alone and it will take a county-wide initiative for everyone to have access. Mr. Fletcher said they are in the process of signing up for a consortium through the Federal Communications Commission (FCC) and then suggested the County take the lead in finding a solution. When asked about costs, Mr. Fletcher said to bring fiber to every home in the Coop's service territory in south Morrow County and to Gilliam and Wheeler Counties, it was estimated to cost \$33,000,000. He added other options were also being explored.

Rollie Marshall, Ione School District, said 40-45% of the district's students have zero access to connectivity. He continued, another 20-30% have connectivity but lack reliable service and at best, only one student at a time in the house can use the connection. He then outlined the work being done by ISD's IT personnel in conjunction with Windwave Communications to alleviate the problems.

Morrow County School District Superintendent Dirk Dirksen said equitable delivery of online learning will be the biggest challenge for all of Oregon and the nation. He said there will be dollars out there specifically for this to make sure we have this ability in the future.

John Murray, Chairman of the Morrow County Health District Board of Directors, said the health district has access for telemedicine, and on-the-spot cardiac and stroke consults for patients in the emergency room. Clinics have reached out to patients who may not need to come into the clinic to possibly not expose others. It's been successful for the health district, he said.

Commissioner Doherty said farmers and ranchers have been impacted, as well. He went on to say that some farmers changed their center pivot irrigation systems to wireless and recently had to rewire the system because the signal became too weak.

When Chair Lindsay asked each of the speakers from the other entities if they were willing to serve on a taskforce, they all replied in the affirmative. She said she would lead the task force after Commissioner Russell stated it could be perceived as a conflict for him to be on the task force since he serves on the Board for Windwave Communications.

#### Community Development Director Update

Gregg Zody, Community Development Director

Mr. Zody said he's been introducing himself in the communities and asking for meetings with the other cities. He also reached out to Planning Directors in the state and met with staff in Planning, the Fairgrounds and The Loop. A few priority items for him will include working on a housing needs assessment, and updates to the Comprehensive Plan. He also talked about RV camping and said he's working with Planning staff and the eastern Oregon regional representative with the Department of Land Conservation and Development in preparing a recommendation for the Board. Mr. Zody said he would be working with County Counsel and Planning staff regarding Code Enforcement. Commissioner Russell provided some background information on the topic and Commissioner Doherty suggested Mr. Zody not just look at individuals, but industries and businesses with conditional use permits. He said those permits need to be reviewed because in some cases, they've become more than what was originally intended.

#### Enterprise Zone III

Chair Lindsay outlined the parameters for public input and then offered the opportunity for comment; none was received.

Commissioner Doherty said it was important for the Port of Morrow to have an enterprise zone. He then summarized the situation: The Enterprise Zone Manager, Greg Sweek, needs two things



for an enterprise zone application to Business Oregon - the application itself and a map showing the boundaries of the zone. The other issues can be worked through later, he added.

*Commissioner Doherty moved to co-sponsor an enterprise zone application with the Port of Morrow and have Greg Sweek move forward with the map of the Port proper, or the blown-up (enlarged) portion of the map in the lower right corner of the document that we looked at last week (labeled as "CREZ Boundaries," cartography by Stephen Wrecsics, Morrow County Planning Department, dated March 3, 2020 at 10:07 a.m.). Chair Lindsay seconded. Lengthy discussion with the issues being representation by the City of Boardman and the zone boundaries. Commissioner Doherty said the details could be worked out later through intergovernmental agreements (IGAs). Irrigon City Manager Aaron Palmquist said a resolution will be required and urged the Board to draft one. Responding to Chair Lindsay's question about a resolution, County Counsel Justin Nelson said one could be drafted for consideration by the Board and it could be as specific as the Board wanted it to be. Discussion continued. Vote: Aye: Chair Lindsay, Commissioner Doherty. Nay: Commissioner Russell. Motion carried.*

Mr. Sweek said if the Port goes along substantially with the County's proposal, he would need Mr. Wrecsics, GIS Planning Tech, to produce a new map to provide to the taxing districts for the public hearing.

Chair Lindsay asked if a resolution would also be needed.

Mr. Sweek said the resolution would be after the public meeting with the taxing districts so you've got until the first or middle part of June to craft the resolution. The County's and the Port's resolutions have to be substantially identical. There is no resolution needed for the meeting with the taxing districts but he would need to have a map showing the proposed boundaries.

Chair Lindsay said that guidance will be given to Mr. Wrecsics. For the cities listening, she said the commitment and the head nod was very clear that an IGA around your city and your circle of impact and influence is exactly where we want to get. She said she didn't know if the Port would agree but the goal is to get every city in the most positive position we can and to see growth across the County. In 10 years when this is over, she said she'd like to see every city with something happening.

#### Irrigon Building Update

Darrell Green, Administrator

- The design-build team is conducting surveys of the property, geological surveys, etc., to make sure we can build the way we want.
- Second stakeholder meeting will be scheduled soon for input on the basic design of the building.
- Mr. Green said he appreciated Mr. Palmquist's assistance with the permits through the City of Irrigon, among other things.

Board of Commissioners Meeting Calendar – April 29<sup>th</sup>

Mr. Green said BOC meetings are not usually held on a fifth Wednesday, which is the case for April 29<sup>th</sup>. Unless an emergency meeting becomes necessary, no meeting will be planned for that day, he said.

Morrow County Government Command Center Update

- Chair Lindsay said the members of the Command Center recommended bringing forward the issues surrounding high-speed internet access.
- Mr. Green said the County ordered outdoor sandwich boards for placement at building entrances. They will contain signs to remind the public and employees if they have symptoms, don't enter the building.

Resolution No. R-2020-5: Public Employees Retirement System (PERS) Application  
Teamsters Collective Bargaining Agreement

Chair Lindsay stated these items will be taken up in Executive Session and there was the potential for decisions.

**Break:** 10:18-10:29 a.m.

**10:30 a.m. Executive Session:** Pursuant to ORS 192.660(2)(d) - To conduct deliberations with persons designated by the governing body to carry on labor negotiations

**10:46 a.m. Closed Executive Session**

**10:47 a.m. Executive Session:** Pursuant to ORS 192.660(2)(e) – To conduct deliberations with persons designated by the governing body to negotiate real property transactions

**10:53 a.m. Closed Executive**

Resolution No. R-2020-5: PERS Application

Kate Knop, Finance Director

Ms. Knop said the Resolution is the result of negotiations with Teamsters Local 223, which represents 25 Sheriff's Office employees. It establishes the County's wish to begin participating as a PERS-covered employer. The Resolution outlines the parameters for the future application to the PERS program for Sheriff's Office employees represented by Teamsters Local 223 hired on or after July 1, 2020.

*Commissioner Doherty moved to approve Resolution No. R-2020-5: In the matter of establishing a PERS program beginning July 1, 2020 for Teamsters Local 223 members who qualify and are hired on or after July 1, 2020. Commissioner Russell seconded. Brief discussion. Mr. Green said the negotiations with Teamsters were very professional, from the very beginning. The new Business Agent, Mike Mann, had things outlined in a professional manner and good conversations took place, based on facts. The local representatives, Undersheriff John Bowles, Operations Lieutenant Terry Harper and Criminal Sergeant Brian Snyder comprised a very good committee and he appreciated their willingness to work through the contract in a fairly quick manner in order to keep the timeline on track. Commissioner Doherty said by consensus, the Board wanted to express its gratitude to the committee and asked Mr. Green to convey that message. Vote: Unanimous approval.*

Teamsters Collective Bargaining Agreement

Karmen Carlson, Human Resources Director

Ms. Carlson said the Teamsters signed the agreement, which expires June 30, 2023. It contains a cost of living adjustment (COLA) of 2.5% each year of the three-year contract, and a few other changes.

*Commissioner Russell moved to approve the Morrow County Sheriff's Association Collective Bargaining Agreement, expiration date June 30, 2023. Commissioner Doherty seconded. Unanimous approval.*

**Department Reports – Written**

Veterans Services Office Quarterly Report

Linda Skendzel, Veterans Services Officer via Zoom

Ms. Skendzel discussed the impact of COVID-19 on her office. She explained most veterans called in for appointments, even prior to the current office restrictions. She said email communications with veterans have increased, which has been a benefit. Various discussions.

Planning Department Monthly Report

Stephanie Case, Interim Planning Director via Zoom

Chair Lindsay brought up the Planning Department's Preliminary Findings of Fact, Land Use Decision, Applicant - Umatilla Electric Cooperative (UEC), and asked Ms. Case if she could provide more information.

Ms. Case said UEC submitted an application for a transmission line, which is a land use decision with standards. She said it's a Planning Director decision and notice was provided to adjoining property owners, one of which was Morrow County. The process is currently in the comment period until close of business on April 10<sup>th</sup>.

Commissioner Doherty said the County property is in the City of Boardman. Shouldn't there be a notice coming from the City of Boardman, he asked.

Ms. Case said the County sends notices to adjoining property owners within the 500' radius and we should receive notice from the City on its decision which affects County property. This County notice that went out is an adjoining property owner notice so the County property is within 500' of the decision area. This decision only affects County jurisdiction and the City should be doing its own notice. She said Mr. Wrecsics called the City but had not yet heard back about the status of Boardman's notice to the County. She said notice is sent to those within 500' of the property boundary, not the project boundary.

Commissioner Doherty sought additional clarification.

Ms. Case said the County is required by law to send notice regardless of whether or not someone lives in the City or the County, if they're within 500' of the property boundary that the County is making a decision on, we will send notice.

Commissioner Russell said the City would have similar requirements for areas within its jurisdiction. Discussion continued.

Ms. Case said for the purpose of notice, it doesn't stop at the city limits. However, the County's decision stops at the city limits. For the purpose of notice, if it crosses a jurisdiction, the County sends notice, regardless of which jurisdiction someone lives in.

Ms. Case then shared the list of property owners who were noticed by the County.

Chair Lindsay said, by statute, the County should receive notice from the City of Boardman process, correct?

Ms. Case replied, yes.

#### Justice Court Quarterly Report

Judge Glen Diehl, via electronic means

Judge Diehl's report was reviewed and a brief verbal update was provided.

#### **Correspondence**

- Examples from Idaho Power of the letters sent to landowners along the Boardman to Hemingway (B2H) Project to request right-of-entry to conduct surveys.
- Planning Department Notice to Adjoining and Affected Landowners, including the Preliminary Findings of Fact (applicant UEC).
- Letter from Oregon Department of Transportation regarding the closure of the Heppner DMV field office until further notice due to COVID-19.
- Oregon Department of Energy Public Notice, Wheatridge Wind Energy Facility, Receipt of Preliminary Request for Amendment 5.
- City of Irrigon Public Notice regarding CAPECO's application to partition a tax lot into two lots.
- Sixth Judicial District, Amended Presiding Judge Order No. 20-005 – Amends and Implements Guidance for Social Distancing and Limited Operations Allowed Under Chief Justice Order 20-006 as Amended.
- Oregon Department of Agriculture News Release: ODA approves permit to transfer to buyer of former Lost Valley Farm.

#### **Commissioner Reports**

The Commissioners each provided reports of activity since the last meeting.

#### **Signing of documents**

**Adjourned:** 12:00 p.m.



# AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

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## 1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

The Morrow County Board of Commissioners recently approved the Criminal Justice Commission Maximizing LPSCC Capacity Program Grant.

The grant provides \$24,060.10 from the Criminal Justice Commission to Morrow County to continue our LPSCC Coordinator Jessica Rose. the Grant and Contract run from April 1, 2020 to September 30, 2020. The Contract is a monthly compensation to Ms. Rose and does not include any benefits, travel costs, or equipment.

## 2. FISCAL IMPACT:

County has received \$24,060.10 through a Criminal Justice Commission grant, and the County would contract with Jessica Rose for that same amount.

## 3. SUGGESTED ACTION(S)/MOTION(S):

Motion to approve the Morrow County Personal/Professional Services Contract for LPSCC Services with Jessica Rose.

Attach additional background documentation as needed.

**Morrow County  
Personal/Professional Services Contract  
LPSCC Services**

This contract is between MORROW COUNTY, acting by and through its Board of County Commissioners, hereafter called County, and Jessica L. Rose, hereinafter called Contractor.

**1.0 Effective Date and Duration**

1.1 This contract shall become effective on April 1, 2020.

1.2 This contract shall expire, unless otherwise terminated or extended, on September 30, 2020.

1.3 Contract termination or expiration shall not extinguish or prejudice a party's right to enforce this contract with respect to any default or defect in performance that has not been cured by the other party.

**2.0 Contract Documents**

This contract includes the attached Exhibit A (Statement of Work), Exhibit B (Required Insurance), and Exhibit C (Independent Contractor Certification Statement), which are by this reference made a part of the contract.

**3.0 Notice**

Except as otherwise expressly provided in this contract, any communications between the parties or notices to be given under this contract shall be given in writing by personal delivery, or mailing the same, postage prepaid, to Contractor and County at the address set forth in this Contract, or to such other address numbers as either party may indicate. Any communication or notice so addressed and mailed shall be effective five (5) days after mailing. Any communication or notice given by personal delivery shall be effective when actually delivered.

**4.0 Statement of Work**

4.1 Contractor shall perform the statement of work for services for the Local Public Safety Coordinating Council as set out in Exhibit A in accordance with the terms and the conditions of this contract.

4.2 The delivery schedule for the work is identified in Exhibit A.

**5.0 Consideration**

5.1 County agrees to pay Contractor \$4,010.01 per month, beginning on April 1, 2020 and ending on September 30, 2020, unless extended by written agreement by both parties.

5.2 If the maximum compensation amount is increased by amendment of this contract, the amendment must be fully effective before Contractor performs work subject to the amendment. No payment will be made for any services performed before the beginning date or after the expiration date of this contract.

5.3 Contractor shall submit monthly billing for work performed. The billings shall describe work performed, by whom it was performed, and shall itemize and explain all expenses for which reimbursement is claimed and that this contract requires the County to pay.

5.4 Contractor shall not be compensated for work performed under this contract by any other Department of Morrow County.

5.5 Contractor shall be responsible for all federal or state taxes or retirement pension benefits applicable to compensation or payments paid to Contractor under this Contract and, unless Contractor is subject to backup withholding, County will not withhold from such compensation or payments any amount(s) to cover Contractor's federal or state tax obligations. Contractor is not eligible for any social security, retirement pension benefits, unemployment insurance or workers' compensation benefits from compensation or payments paid to Contractor under this Contract, except as a self-employed individual.

#### 6.0 Independent Contractor

6.1 Contractor shall perform all work as an independent contractor. The County reserves the right (i) to determine and modify the delivery schedule for the work and (ii) to evaluate the quality of the work product, however, the County may not and will not control the means or manner of Contractor's performance. Contractor is responsible for determining the appropriate means and manner of performing the Work.

6.2 If Contractor is currently performing work for the State of Oregon or the federal government, Contractor by signature to this Contract, represents and warrants that: Contractor's Work to be performed under this Contract creates no potential or actual conflict of interest as defined by ORS 244 and no statutes, rules or regulations of the state or federal for which Contractor currently performs work would prohibit Contractor's Work under this contract.

6.3 Contractor is not an officer, employee, or agent of County as those terms are defined in ORS 30.265.

#### 7.0 Funds Available and Authorized

7.1 The County certifies at the time this contract is written that sufficient funds are available and authorized for expenditure to finance costs of this contract.

7.2 Contractor understands and agrees that County's payment of amounts under this contract is contingent on County receiving appropriations sufficient to allow County, in the exercise of its reasonable administrative discretion, to continue to make payments under this contract. If funds are not available, the County may terminate this contract as provided in paragraph 13.4.

#### 8.0 Representations and Warranties.

8.1 Contractor represents and warrants to County that:

- (1) Contractor has the power and authority to enter into and perform this contract;
- (2) This Contract, when executed and delivered, shall be a valid and binding obligation of Contractor enforceable in accordance with its terms;
- (3) Contractor has the skill and knowledge possessed by well-informed members of its industry, trade or profession and Contractor will apply that skill and knowledge with care and diligence to perform the work in a professional manner and in accordance with standards prevalent in Contractor's industry, trade or profession;
- (4) Contractor shall, at all times during the term of this Contract, be qualified, professionally competent, and duly licensed to perform the Work;
- (5) Contractor prepared its proposal related to this Contract, if any, independently from all other proposers, and without collusion, fraud, or other dishonesty.

8.2 The warranties set forth in this section are in addition to, and not in lieu of, any other



warranties provided.

#### 9.0 Indemnity.

9.1 GENERAL INDEMNITY. CONTRACTOR SHALL DEFEND, SAVE, HOLD HARMLESS, AND INDEMNIFY THE COUNTY AND ITS OFFICERS, EMPLOYEES AND AGENTS FROM AND AGAINST ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEYS FEES, RESULTING FROM, ARISING OUT OF, OR RELATING TO THE ACTIVITIES OF CONTRACTOR OR ITS OFFICERS, EMPLOYEES, SUBCONTRACTORS, OR AGENTS UNDER THIS CONTRACT.

9.2 INDEMNITY FOR INFRINGEMENT CLAIMS. WITHOUT LIMITING THE GENERALITY OF PARAGRAPH 11.1, CONTRACTOR EXPRESSLY AGREES TO DEFEND, INDEMNIFY, AND HOLD COUNTY AND ITS AGENCIES, SUBDIVISIONS, OFFICERS, DIRECTORS, AGENTS, AND EMPLOYEES HARMLESS FROM ANY AND ALL CLAIMS, SUITS, ACTIONS, LOSSES, LIABILITIES, COSTS, EXPENSES, INCLUDING ATTORNEYS FEES, AND DAMAGES ARISING OUT OF OR RELATED TO ANY CLAIMS THAT THE WORK, THE WORK PRODUCT OR ANY OTHER TANGIBLE OR INTANGIBLE ITEMS DELIVERED TO COUNTY BY CONTRACTOR THAT MAY BE THE SUBJECT OF PROTECTION UNDER ANY STATE OR FEDERAL INTELLECTUAL PROPERTY LAW OR DOCTRINE, OR THE COUNTY'S USE THEREOF, INFRINGES ANY PATENT, COPYRIGHT, TRADE SECRET, TRADEMARK, TRADE DRESS, MASK WORK, UTILITY DESIGN, OR OTHER PROPRIETARY RIGHT OF ANY THIRD PARTY; PROVIDED, THAT COUNTY SHALL PROVIDE CONTRACTOR WITH PROMPT WRITTEN NOTICE OF ANY INFRINGEMENT CLAIM.

#### 10.0 Compliance with Applicable Law

10.1 Contractor shall comply with all federal, state, and local laws and ordinances applicable to this contract.

10.2 Without limiting the generality of paragraph 10.1, Contractor expressly agrees to comply with the following laws, regulations and executive orders to the extent they are applicable to this contract: (i) Titles VI and VII of the Civil Rights Act of 1964, as amended; (ii) Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; (iii) the Americans with Disabilities Act of 1990, as amended; (iv) Executive Order 11246, as amended; (v) the Health Insurance Portability and Accountability Act of 1996; (vi) the Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended; (vii) the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; (viii) ORS Chapter 659, as amended; (ix) all regulations and administrative rules established pursuant to the foregoing laws; and (x) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. These laws, regulations and executive orders are incorporated by reference to the extent that they are applicable to this contract and required by law to be so incorporated.

10.3 County's performance under the Contract is conditioned upon Contractor's compliance with the provisions of ORS 279B.220, 279B.225, 279B.230, 279B.235 and 279B.270, which are incorporated into this contract by this reference.

#### 11.0 Records

11.1 Contractor shall maintain all financial records relating to this contract in accordance

with generally accepted accounting principles, and any other records pertinent to this contract in such a manner as to clearly document Contractor's performance.

11.2 County, the Secretary of State's Office of the State of Oregon, the Federal Government, and their duly authorized representatives, shall have access to the books, documents, papers, and records of the Contractor that are pertinent to this contract for the purpose of making audit, examination, excerpts and transcript.

11.3 Contractor shall retain and keep accessible all records for such period as required by applicable law following final payment and termination of this contract.

#### 12.0 Ownership of Work Product

All work products of the Contractor that result from this contract, including derivative works and compilations, and whether or not such work product is considered a work made for hire or an employment to invent, are the exclusive property of County. County and Contractor agree that such original works of authorship are "work made for hire" of which County is the author within the meaning of the United States Copyright Act.

#### 13.0 Default and Termination

13.1 Time is of the essence under this contract.

13.2 Default by Contractor.

(1) Contractor shall be in default under this Contract if:

(A) Contractor institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or ceases doing business on a regular basis; or

(B) Contractor no longer holds a license or certificate that is required for Contractor to perform its obligations under the Contract and Contractor has not obtained such license or certificate within fourteen (14) calendar days after County's notice or such longer period as County may specify in such notice; or

(C) Contractor commits any material breach or default of any covenant, warranty, obligation or agreement under this Contract, fails to perform the work under this contract within the time specified, or so fails to pursue the work as to endanger Contractor's performance under this contract in accordance with its terms, and such breach, default or failure is not cured within fourteen (14) calendar days after County's notice, or such longer period as County may specify in such notice.

(2) County's Remedies for Contractor's Default. In the event Contractor is in default under this Paragraph 13.2, County may, at its option, pursue any or all of the remedies available to it under this Contract and at law or in equity, including, but not limited to:

(A) Termination of this Contract under Paragraph 13.4;

(B) Withholding all monies due for work and work products that Contractor has failed to deliver within any scheduled completion dates or has performed inadequately or defectively;

(C) Initiation of an action or proceeding for damages, specific performance, or declaratory or injunctive relief;

(D) Exercise of its right of setoff.

These remedies are cumulative to the extent the remedies are not inconsistent, and County may

pursue any remedy or remedies singly, collectively, successively or in any order. If a court determines that Contractor was not in default under this paragraph 13.2, then Contractor shall be entitled to the same remedies as if this contract was terminated pursuant to paragraph 13.4.

### 13.3 Default by County.

(1) County shall be in default under this Contract if:

(A) County fails to pay Contractor any amount pursuant to the terms of this contract, and County fails to cure such failure within fourteen (14) calendar days after Contractor's notice or such longer period as Contractor may specify in such notice; or

(B) County commits any material breach or default of any covenant, warranty, or obligation under this Contract, and such breach or default is not cured within fourteen (14) calendar days after Contractor's notice or such longer period as Contractor may specify in such notice.

(2) Contractor's Remedies for County's Default. In the event County terminates the Contract under paragraph 13.4, or in the event County is in default under this paragraph 13.3 and whether or not Contractor elects to exercise its right to terminate the Contract under paragraph 13.4, Contractor's sole monetary remedy shall be (a) with respect to services compensable on an hourly basis, a claim for unpaid invoices, hours worked within any limits set forth in this contract but not yet billed, authorized expenses incurred and interest within the limits permitted under ORS 82.010; and (b) with respect to deliverable-based work, a claim for the sum designated for completing the deliverable multiplied by the percentage of Work completed and accepted by County, less previous amounts paid and any claim(s) that County has against Contractor. In no event shall County be liable to Contractor for any expenses related to termination of this contract or for anticipated profits. If previous amounts paid to Contractor exceed the amount due to Contractor under this paragraph 13.3, Contractor shall pay immediately any excess to County upon written notice sent in accordance with paragraph 3.0.

### 13.4 Termination.

(1) County's Right to Terminate at its Discretion. At its sole discretion, County may terminate this Contract:

(A) For its convenience upon thirty (30) days' prior written notice by County to Contractor;

(B) Immediately upon written notice if County fails to receive funding, appropriations, limitations, allotments or other expenditure authority at levels sufficient to pay for the work or work products; or

(C) Immediately upon written notice if federal or state laws, regulations, or guidelines are modified or interpreted in such a way that the County's purchase of the work or work products under this Contract is prohibited or County is prohibited from paying for such work or work products from the planned funding source.

(2) County's Right to Terminate for Cause. In addition to any other rights and remedies County may have under this Contract, County may terminate this Contract immediately upon written notice by County to Contractor, or at such later date as County may establish in such notice, or upon expiration of the time period and with such notice as provided below, upon the occurrence of any of the following events:

(A) Contractor is in default under paragraph 13.2 because Contractor institutes

or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or ceases doing business on a regular basis;

- (B) Contractor is in default under paragraph 13.2 because Contractor no longer holds a license or certificate that is required for it to perform services under the Contract and Contractor has not obtained such license or certificate within fourteen (14) calendar days after County's notice or such longer period as County may specify in such notice; or
- (C) Contractor is in default under paragraph 13.2 because Contractor commits any material breach or default of any covenant, warranty, obligation or agreement under this Contract, fails to perform the Work under this Contract within the time specified herein or any extension thereof, or so fails to pursue the Work as to endanger Contractor's performance under this Contract in accordance with its terms, and such breach, default or failure is not cured within fourteen (14) calendar days after County's notice, or such longer period as County may specify in such notice.

(3) Contractor's Right to Terminate for Cause. Contractor may terminate this Contract with such written notice to County as provided below, or at such later date as Contractor may establish in such notice, upon the occurrence of the following events:

- (A) County is in default under paragraph 13.3 because County fails to pay Contractor any amount pursuant to the terms of this Contract, and County fails to cure such failure within fourteen (14) calendar days after Contractor's notice or such longer period as Contractor may specify in such notice; or
- (B) County is in default under paragraph 13.3 because County commits any material breach or default of any covenant, warranty, or obligation under this Contract, fails to perform its commitments hereunder within the time specified or any extension thereof, and County fails to cure such failure within fourteen (14) calendar days after Contractor's notice or such longer period as Contractor may specify in such notice.

13.5 Return of Property. Upon termination of this Contract for any reason, Contractor shall immediately deliver to County all of County's property (including any work or work products for which County has made payment in whole or in part) that is in the possession or under the control of Contractor in whatever stage of development and form of recordation such County property is expressed or embodied at that time.

13.6 Upon receiving a notice of termination of this Contract, Contractor shall immediately cease all activities under this Contract, unless County expressly directs otherwise in such notice of termination. Upon County's request, Contractor shall surrender to anyone County designates, all documents, research or objects or other tangible things needed to complete the work and the work products.

13.7 In any suit or action of any type arising under this contract, each party shall pay its own attorney fees and costs.

13.8 The failure of either party to enforce any provision of this contract shall not constitute a waiver by that party of that or any other provision.

#### 14.0 Force Majeure

Neither party shall be held responsible for delay or default caused by fire, riot, acts of God,

terrorist acts or other acts of political sabotage, and war, which is beyond the party's reasonable control. Contractor shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligations under the contract.

#### 15.0 Amendments

The terms of this contract shall not be waived, altered, modified, supplemented or amended, in any manner whatsoever, except by written instrument signed by the parties.

#### 16.0 Assignments and Successor Interests

16.1 Contractor shall not enter into any subcontracts for any work scheduled under this contract, or assign or transfer any of its interest in this contract, without the prior written consent of the County.

16.2 The provisions of this contract shall be binding upon and shall inure to the benefit of the parties, and their respective successors and assigns.

#### 17.0 Severability

The parties agree that if any term or provision of this contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular term or provision held to be invalid.

#### 18.0 Controlling Law/Venue

18.1 The provisions of this contract shall be governed and construed in accordance with the provisions of the law of the State of Oregon.

18.2 Venue for any action or suit concerning the interpretation or enforcement of this contract must be brought in Circuit Court in Morrow County, Oregon. BY EXECUTION OF THIS CONTRACT, CONTRACTOR CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURT.

#### 19.0 Merger Clause

19.1 This contract and attached exhibits constitutes the entire agreement between the parties.

19.1 No waiver, consent, modification, or change of terms of this contract shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given.

19.3 There are no understandings, agreements, or representations, oral or written, not specified herein regarding this contract.

#### 20.0 Contractor Data and Certification

20.1 Contractor Tax Identification Information. Contractor shall provide Contractor's Social Security number or Contractor's federal tax ID number and the additional information set forth below. Social Security Numbers provided pursuant to this paragraph will be used for the administration of state, federal and local tax laws.

Name(tax filing): Jessica Rose

Address: General Delivery  
Maupin, OR 97037

Citizenship, if applicable: Non-resident alien  Yes  No

Business Designation (check one):

- Professional Corporation
- Partnership
- Limited Partnership
- Limited Liability Company
- Limited Liability Partnership
- Sole Proprietorship
- Other

County may report the information set forth above to the Internal Revenue Service (IRS) under the name and social security number or taxpayer identification number provided.

20.2. Certification. The individual signing on behalf of Contractor hereby certifies and swears under penalty of perjury that:

- (a) The number shown on this form is Contractor's correct taxpayer identification;
- (b) Contractor is not subject to backup withholding because (i) Contractor is exempt from backup withholding; (ii) Contractor has not been notified by the IRS that Contractor is subject to backup withholding as a result of a failure to report all interest or dividends; or (iii) the IRS has notified Contractor that Contractor is no longer subject to backup withholding;
- (c) The person signing this document is authorized to act on behalf of Contractor and has the authority and knowledge regarding Contractor's payment of taxes and to the best of her/his knowledge, Contractor is not in violation of any Oregon tax laws named in ORS 305.380(4), including without limitation the state inheritance tax, gift tax, personal income tax, withholding tax, corporation income and excise taxes, amusement device tax, timber taxes, cigarette tax, other tobacco tax, 9-1-1 emergency communications tax, the homeowners and renters property tax relief program and local taxes administered by the Department of Revenue,;
- (d) Contractor is an independent contractor as defined in ORS 670.600; and
- (e) The supplied Contractor data is true and accurate.

20.3 CONTRACTOR, BY SIGNING THIS CONTRACT, ACKNOWLEDGES THAT CONTRACTOR HAS READ THIS CONTRACT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

Approved by the Contractor:

DocuSigned by:  
  
D8291454448548C...  
 \_\_\_\_\_  
 Jessica Rose

6/4/2020  
 \_\_\_\_\_  
 Date

Approved by the County:

MORROW COUNTY

\_\_\_\_\_

\_\_\_\_\_

Date

ATTEST:  
Office of County Records

\_\_\_\_\_  
Records Officer

**Exhibit A**  
**Personal/Professional Services Contract**

**1.0 Statement of Work:**

Contractor will provide services for the Morrow County Local Public Safety Coordinating Council (LPSCC) in the form of professional service work and coordination.

Contractor will provide for planning, coordination, and the staffing of LPSCC meetings, committees and working groups. Provide all meeting materials to the LPSCC and public. Prepare reports and follow-up documents as requested of the LPSCC Chair and membership. Manage and facilitate planning and implementation projects for the LPSCC. Provide resource development assistance. Work collaboratively with LPSCC members to coordinate development of a strategic work plan, policies and procedures. Research and analyze critical issues identified by the LPSCC to inform the development of policies, procedures, and materials. Prepare operational and statistical reports to inform LPSCC discussion and decision making. Identify and provide speakers for presentation on key subjects. Obtain, analyze and present data relevant to LPSCC goals. Study and develop methods to coordinate the availability and development of resources, facilities, and services that are required for, or offered by, the CJC and its programs. Monitors grant publications and notifies LPSCC of available funding opportunities. Ensures LPSCC meets all statutory obligations relating to membership, activity and reporting. Assists with development of State grant budgets and proposals such as the biennial Justice Reinvestment Grant program proposal.

**2.0 Consideration:**

A. Payment not to exceed the sum of \$4,010.01 per month, beginning April 1, 2020, and ending on September 30, 2020.





**Exhibit C  
Independent Contractor Certification Statement\***

Contractor certifies that he is an independent contractor by meeting the following standards:

1. Contractor is licensed under ORS Chapter 701 to provide labor or services for which such registration is required.
2. Contractor has filed federal and state income tax returns in the name of the business or a business Schedule C as part of the personal income tax return, for the previous year, or expect to file federal and state income tax returns, for labor or services performed as an independent contractor in the previous year.
3. Contractor has the authority to hire and fire employees who perform the labor or services.
4. Contractor represents to the public that the labor or services are to be provided by my independently established business as four (4) or more of the following circumstances exist.

\_\_\_\_\_ A. The labor or services are primarily carried out at a location separate from my residence, or carried out primarily in a specific portion of the residence, which portion is set aside as the location of the business.

\_\_\_\_\_ B. Commercial advertising or business cards are purchased for the business, or I have a trade association membership.

\_\_\_\_\_ C. You use a telephone listing and service separate from your personal residence listing and service.

\_\_\_\_\_ D. You perform labor or services only pursuant to written contracts.

\_\_\_\_\_ E. You perform labor or services for two or more different persons within a period of one year.

\_\_\_\_\_ F. You assume financial responsibility for defective workmanship or for service not provided as evidenced by the ownership of performance bond, warranties, errors and omission insurance or liability insurance relating to the labor or services to be provided.

DocuSigned by:  
  
 0829745449854DC  
 Contractor Signature \_\_\_\_\_ Date 6/4/2020

Entity \_\_\_\_\_

\*Corporations are not required to complete this form, but must sign form representing that Contractor is a corporation authorized to do business in the State of Oregon.



# North Morrow Vector Control District

"We bite Mosquitoes Back"

- 3 Marine Drive/ P.O. Box 192 • Boardman, Oregon 97818 • 541.481.6082 Voice  
541.481.6082 Fax (by request)  
Email: [gbarron@centurytel.net](mailto:gbarron@centurytel.net)

June 10, 2020

Dear Morrow County Board of Commissioners:

It is a pleasure to update you on the happenings at North Morrow Vector Control District.

North Morrow Vector Control District was established by the voters of the North end of Morrow County in May of 1978. Its primary concern is to suppress the mosquito genera *Culex* which is our main disease transmitter. Our secondary concern is the control of pestiferous biting *Aedes* mosquitoes. In order to do this, we utilize a variety of control methods such as surveying our mosquito population, larvaciding, adulticiding, biological control, source reduction and public education.

I have provided our district's 2019 annual report (attached) which highlights our mosquito control activities at a local, state, regional and national level. By reading our annual report you can appreciate the challenges of performing our mosquito abatement activities and realize that even though we are a local Morrow County municipality our program is even more far reaching than local mosquito control. Besides being the manager of the district, I am also on the American Mosquito Control Association Board of Directors serving as the North Pacific Director.

According to **ORS 452.090 Filling vacancies.** (1) *A vacancy in an office of district trustee shall be filled by appointment by the county court. The appointee shall serve the balance of the unexpired term.* Today, I am requesting that long time North Morrow Vector Control District (NMVCD) Budget Committee member Pat Tolar be appointed to serve out the balance of retiring NMVCD Trustee Roger Trueax's term on the Board, which will expire June 21, 2023. The NMVCD Board of Trustees approved Pat Tolar as a suitable replacement for the vacated Board position at our May 20<sup>th</sup> Board meeting. (See attached minutes and Pat Tolar's letter of interest).

Thank you for this opportunity to share this information with the Morrow County Board of Commissioners.

Respectfully,  
Greg Barron, Manager  
P.O. Box 192 / 3 Marine Dr.  
Boardman, OR 97818  
[gbarron@centurytel.net](mailto:gbarron@centurytel.net)  
481-6082

## North Morrow Vector Control District The Mosquito Season



One of many Hemp fields that we had to avoid while spraying with our ULV Fogging trucks and our aerial spray blocks.

The year 2019 started out mild, weather wise, and it looked like we were going to have a repeat of our uneventful 2018 winter weather...then came February. January had an average temperature of 36 degrees and only 3 days of rain. February was a different story. It started snowing on the 4<sup>th</sup> and never really quit until mid-March with average temperatures around 25 degrees and as low as -1 degree. On Tuesday the 22<sup>nd</sup> of March things started to warm up with a high temperature of 70 degrees and with that winter was officially over. We were pretty dry for the most part until February. With the

ground being so dry the snow melt got absorbed into the soil and never pooled up on the surface of the ground. After that we continued to be dry with one or two rain events April through May. The summer was relatively mild and dry. We never saw rain again until September 20<sup>th</sup> where it got unseasonable cool for a few days then right back to normal. August was our hottest month, but fairly mild compared to other years. We did have a couple of real scorches as high as 111 degrees, but that was about it. West Nile virus loved this weather and kicked into gear towards the end of July and continued to be problematic until mid-September. We just kept on picking up WNV positive mosquitoes mostly in the Irrigon Area and then into the East Boardman area later in August and early September. We increased our ULV Fogging activities sending three fogging trucks out at least twice weekly. When the virus started to get head of us we called in our contingency contract with Vector Disease Control International (VDCI) a fixed wing aerial applicator. We flew VDCI three times over the Irrigon and East Boardman areas affected by WNV. With increased Hemp being grown in both the Irrigon and Boardman areas we had to get real creative with our ground and aerial adulticide spray blocks. We basically had to treat all Hemp fields as organic. We managed to get through the season with our second highest mosquito pool number ever at 70 WNV positive pools. Because of our increased adulticide activities, we saw zero human, horse and bird transmission.

## It's a Bird, it's a plane no it's a DRONE!

The new evolution of mosquito control has arrived here in Morrow County literally by drones. Three years ago in a North Morrow Vector Control District Board meeting the topic came up regarding drone use in mosquito control. The manager of the District Greg Barron informed the Board that he had been looking hard at drone use in agriculture and wondered if it could be adapted to mosquito control. As time went on, Greg and his Surveillance



Chief Drone Pilot Anita Baumgart instructs Drone Assistant Intern Abel Rodelo how to switch out the batteries on the drone.

Supervisor Anita Baumgart attended the Hermiston Farm Fair which featured quite a few drone distributors and contractors. In 2018, Greg attended the American Mosquito Control Annual Meeting in Kansas City where he observed a whole session that was dedicated to drones and their use in mosquito surveillance and control. After that meeting, the staff at North Morrow Vector Control District was bit by the drone bug.

In the fall, Anita attended an introductory Drone Certification Class in Bend. Anita found she had a natural ability to fly drones

and her instructor even said so. Our next step was to commit to the new drone technology and incorporate it into our mosquito control program here at North Morrow Vector Control District. Greg crunched the numbers and Anita definitely knew we had a need for a drone in our everyday mosquito control activities. She knew that an eye in the sky would provide better surveillance of the mosquito breeding sights in our District. Greg knew that the District could save time and money by locating and mapping sources from the air and using pinpoint accuracy while making our chemical applications utilizing the drone.

In January, Greg and Anita pitched the new drone program to the Board. They told the Board that they had found a company, Leading Edge Technologies, Inc., who was on the for-front of drone technology in mosquito control. So, the District Board decided to dedicate \$35,000 to the program. The District purchased the Precision Vision software and two drones. One drone, the workhorse, call a PV22 with four prop bladed arms and a 22 pound payload capacity and a surveillance drone called a Phantom 4. Now, with the painful part done (spending the money) it was time to certify a pilot. Anita took on the role. She studied for her Federal Aviation Administration (FAA) Part 107 and Oregon Department of Agriculture (ODA) Aerial Public Applicators examinations passed both with ease. Next, the drones were ordered. In May,



This is an early morning larvicide application utilizing South County Helicopter out of Pendleton.

Anita went to drone school with Bill Reynolds CEO of Leading Edge Technologies for a week. Anita learned a lot and is quite an accomplished drone pilot...Bill even said so. Now Anita will focus on completing her 50 hours of “fake” application time, utilizing “blanks”, so she can satisfy her Aerial Public Applicators requirements with the ODA in order to receive her certification.

This summer North Morrow Vector Control District applied and was awarded a Special Districts Association of Oregon (SDAO) Internship Grant for \$3,000. This is a matching grant that will be used to hire an intern to serve as an assistant to Anita our drone pilot. Abel Rodelo an Agriculture Business major at Oregon State University was hired by NMVCD as an intern to fulfill the role of drone pilot assistant and spotter. This is a very important role. Abel provides an additional set of eyes for the drone pilot. He also provides a level of security for the drone pilot who is concentrating on flying the drone,

so nobody disturbs the drone pilot while she is flying the drone.

Abel’s official duties include:

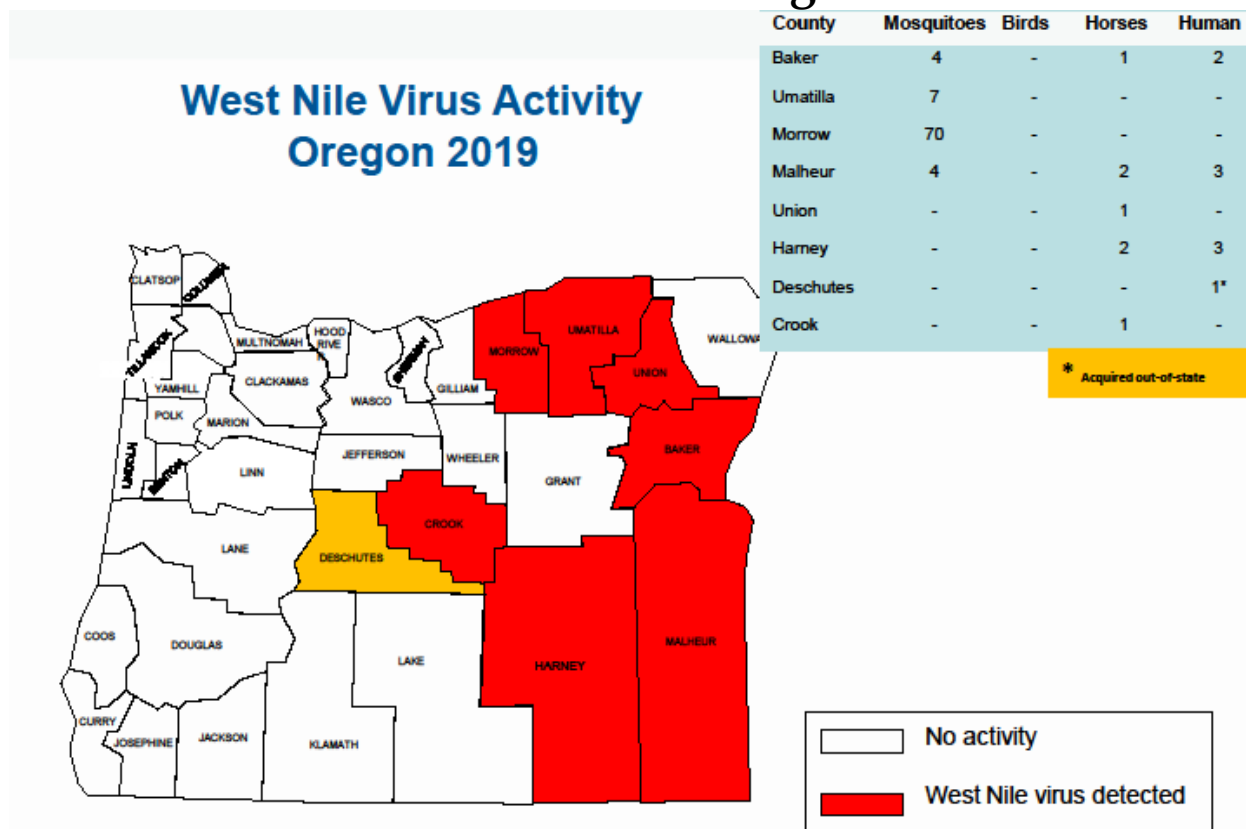
- UAS Visual Observer
- Assists the Pilot in Command (PIC) with maintenance on the drone
- Assists the PIC with pre-flight checklist
- Assist the PIC in identifying hazards
- Perform assistance during sorties (switching out batteries and filling the product hopper)
- Assist in developing public education materials relating to the drone activities
- Learn to navigate and use data collection computer program/app utilized during product applications

Abel was an adept pupil and helped advance our drone program with his eagerness to learn and perform his duties to the drone pilot and program with efficiency. The staff here at North Morrow Vector Control District will miss Abel when he leaves to return to school on September 12<sup>th</sup>.

Anita and Greg are very enthusiastic and optimistic regarding the drone program and are looking forward to incorporating this “Killer” drone technology program next spring and into the 2020 mosquito season.



# West Nile Virus in Oregon 2019



October 2019

Our district captured 70 West Nile positive mosquito pools during the 2019 season.

There were nine human cases of WNV this year one in Deschutes County (out of state infection), three in Harney County, three in Malheur County and two in Baker County. There were eight WNV horse infections two in Harney County, two in Malheur County, one in Baker County, one in Union County, one in Umatilla County and one in Crook County. There were 85 mosquito pools that tested positive for WNV in Oregon, 70 in Morrow County, 7 in Umatilla County, 4 in Baker County and 4 in Malheur County.

There were 885 human cases of WNV with 47 deaths during 2019 in the U.S. Arizona listed 173 human cases that resulted in 17 deaths, California recorded 196 cases that resulted in 6 deaths and Colorado listed 120 cases that resulted in 6 deaths. There were 581 neuroinvasive human cases and 304 non-neuroinvasive (fever) human cases in the U.S Interesting to note that there were 101 WNV viremic blood donors in the U.S. in 2019.

## Standards and Policies



Josiah larviciding a mosquito producing source with Vectobac G before those little blood suckers hatch out!

North Morrow Vector Control District was created in 1978 under provisions of chapter 452. Oregon Revised Statutes (ORS) to provide a program for relief from mosquitoes in the Boardman and Irrigon areas of North Morrow County.

Changes in the Statutes have substantially altered the definition of “Public Health Vectors” to include additional arthropods, rodents and coyotes since the formation of the district. As the district was originally formed and funded for mosquito control the Board of Trustees have designated that mosquito control shall be the principle program of the district. However, the Board has established the policy that the district will provide to residents of the district, technical information regarding other vector pests and their control so as personnel, time and money permits.

The District Board have established policy and guidelines and employed personnel to implement a comprehensive control program. The program is reviewed annually for revisions to adjust to regulatory and ecological requirements or changing conditions.

The District program is financed by a property tax levy. A tax base for the district was established in 1978.

North Morrow Vector Control District’s principle objective is to provide a means for preventing the transmission of Western Equine Encephalitis through the reduction of its primary vector, the mosquito *Culex tarsalis*.

North Morrow Vector Control District supports management of vector populations when and where necessary by means of an integrated program designed to benefit or to have minimal adverse effects on people, domestic animals, wildlife and the environment. This integrated pest management policy recognizes that vector populations cannot always be eliminated. Often they must be suppressed to tolerable levels for the well-being of humans, domestic animals and wildlife, and that selection of scientifically sound suppression methods must be based upon consideration of what is ecologically and economically in the long-term interest of humankind.





process called “dipping”. This will tell her if she needs to treat the source with a larvicide.

The following principles are to be followed:

- Vector control measures should only be undertaken when there is adequate justification based upon surveillance data.

The combination of methods for vector control should be chosen after careful consideration of the efficacy, health effects, ecological effects and cost versus benefits of the various options; including public education, legal action, natural and biological control, elimination of the breeding sources, and pesticide applications.

- Vector breeding sources, whether natural or created by human activity, should be altered in such a manner as to cause the least undesirable impact on the environment.

Pesticides and application methods should be used in the most efficient and least hazardous manner in accordance with all-applicable laws, regulations and

available scientific data. The registered label requirements for pesticide use should be followed. When choices are available among effective pesticides, those offering the least hazard to non-target organisms should be used. Pesticides should be chosen and used in a manner that will minimize the development of resistance in vector populations.

Personnel involved in the vector control program should be properly trained and supervised, certified in accordance with relevant laws and regulations, and should keep current with improvements in management techniques through continuing education and/or training programs.

Much of the progress in the district program is due to the support, cooperation and assistance received from numerous individuals, firms and agencies and is greatly appreciated by the Board of Trustees and District Employees.

## Meeting the Public

Educating the public about mosquitoes and mosquito control is vital to any mosquito abatement program.

Checkout our website at:

<http://nmvcdmosquito.org>, You can also find us on Facebook, so have a look and don't forget to friend us!

On June 6<sup>th</sup> we gave an all-day presentation to grades K-3rd during the Safety Rodeo at Sam Boardman Elementary. The kids are so excited to see us there with all of our mosquito control equipment, fish and mosquitoes.

We participated in both the Boardman 4th of July and Irrigon Watermelon Festival parades. We posted WNV awareness ads in local newspapers on a monthly basis. The reader boards in both communities are excellent ways to get the message out to the public in a timely manner.

We also worked the Mosquito Control Booth at the Umatilla County Fair during the first week in August.

## Workshops and Conferences



Carma is flagging for ticks at our Tick Taxonomy Workshop held in Jackson County, Oregon.

In early February, we attended the Special Districts of Oregon Association Conference in Sunriver.

Greg attended the American Mosquito Control Association Annual Meeting in sunny and warm Orlando, Florida.

In March, Anita and I attended a Northwest Mosquito and Vector Control Association (NWMVCA) Spring Workshop in Richland, Washington.

The Oregon Mosquito and Vector Control Association meeting was held April 8<sup>th</sup> in Jackson County. We held a one day tick surveillance workshop and business meeting. This was a hands-on workshop with plenty of time being spend afield collecting tick specimens for identification.

On April 24th, Clarke Mosquito Control and Adapco conducted a “Truck Rodeo” at West

Umatilla Mosquito Control District facilities and performed droplet analysis on our ULV Foggers.

In May, I attended the American Mosquito Control Association Washington, D.C. Legislative Days. Randy Gerard, Jimmy Lunders, Carma Barron and I visited with all five Oregon Congressional Representatives and both Oregon Senators. As a result of our meeting the Oregon Health Authority will receive additional funding for WNV.

The Northwest Mosquito and Vector Control Association meeting was held in Boise, Idaho during the month of October. This two day event was very educational where we learned about product field trial results, GIS, WNV and drones in mosquito control. Greg was awarded the Distinguished Service Award at the annual banquet.

Greg attended the AMCA Interim Board Meeting on November 13<sup>th</sup>, in Portland in preparation for our upcoming annual meeting in March 2020.

Our Oregon Mosquito and Vector Control Association fall meeting was held in Portland, Oregon November 13<sup>th</sup> and 14<sup>th</sup>. There was much discussion regarding the OMVCA being the host association for the upcoming AMCA meeting in Portland March 16<sup>th</sup> through the 20<sup>th</sup>, 2020.

## NMVCD Receives Grant Funding



Meeting with staff from the USFWS on the Federal Refuge. It is important to work closely with wildlife agencies to help us better understand each other's role in regards to mosquito control on federal lands.

At the beginning of the 2019 year we were awarded a \$10,000 CDC/ELC /WNV grant. The money was utilized to purchase items like EVS traps, BG Sentinel 2 traps, lab equipment, dry ice, batteries, wages, fuel and other expenses related to WNV surveillance.

In June, our district was awarded a \$3,000 internship grant from Special District's Insurance Services of Oregon. We used the funding to help supplement field technician Abel Rodelo's wages while performing his drone training internship activities (see article).

In June, I applied for a Columbia

River Enterprise Zone CREZ II grant for the purpose of bringing more mosquito control awareness to the Irrigon community. As a result, we were awarded a \$8,000 grant. We will utilize the funds for public and school mosquito education materials and continue to produce video shorts to promote mosquito awareness in North Morrow County. We will also develop and produce humorous mosquito memes to post on Facebook. We will contract once again with Adriana Sanchez to develop mosquito awareness video shorts for the district.

## Mosquito Control

The district's comprehensive mosquito suppression program consists of surveys, larvaciding, adultciding, biological control, source reduction and public information.

Surveys are conducted to locate and provide data on all sites that produce or have the potential of producing mosquitoes. Maps and records developed over the past years provide the basis



for a systematic inspection program. These records are constantly updated to reflect changing conditions.



Adult mosquito surveillance is very important to our mosquito control program. Here Josie Q. is setting an EVS trap in one of our strategic locations.

*Larviciding* provides the most effective and economical means of control. Field applicators inspect known sources on a systematic basis treating infested sources with an appropriate control to prevent production of mosquitoes. The data from daily field reports is evaluated and used to update source records for current operations and future planning via Sentinel GIS programs.

*Adulticiding* generally occurs when adverse weather conditions, varied

irrigation practices or migrations of adult mosquitoes from uncontrolled areas that prevent the level of control the larvicide program attempts to maintain. Also, a mosquito-borne disease outbreak, like West Nile Virus, can trigger higher levels of adult control. Adult mosquito control is a difficult, expensive practice that cannot always be applied when the need is greatest and is effective for a very short time, often less than 24 hours.

*Biological Control* includes water management practices and the use of mosquito predators. A site may be drained, water prevented from entering, filled, and deepened to support fish or the shoreline altered to prevent shallow areas. The use of *Gambusia affinis* (mosquito fish) in areas of suitable habitat substantially reduce the amount of insecticides used for mosquito control. Many of the sites require restocking annually and frequently sufficient numbers of fish are not available early in the season due to reproduction factors in our climatic area. The district attempts to maintain a source of *Gambusia* by establishing brood ponds free of trash fish varieties. *Gambusia* are only for aquaria use.

*Source Reduction* also like *Biological Control* includes water management practices. Educating the public of what is and what is not a mosquito breeding source greatly aids vector control activities. Some mosquito breeding sources can be eliminated, but others can be manipulated as to reduce their production of mosquitoes without causing harm to an ecosystem. Working with landowners, so they irrigate their property responsibly, thus reducing possible breeding sites of flood water mosquitoes.

*Information Programs* to service clubs, organizations, school classes and news media are essential that individuals be aware and encouraged to assist in the reduction of mosquito production around the home, business and farm.



Anita is helping the kids during the Boardman Children's Fair play toss the larvicide briquette into the bucket.

*Fly Control:* Fly problems develop from the improper handling of garbage, refuse or animal waste. The district views fly production as a sanitation problem and the policy is to locate the production source and encourage the responsible party to eliminate the source and/or implement a suitable fly reduction program.

*Insecticides:* Due to the diversity of sources, land use crop label requirements and environmental concerns a variety of insecticides are used. The district does not use

broad spectrum insecticides, only those that are more species selective. While costs are higher, these insecticides leave natural predators more available for control purposes.

*Other Vertebrates and Arthropod Vectors:* District policy regarding other insect and vertebrate vectors in that most are pest problems created by an individual effecting their own premises and that public funds should not be used to control an individual's pest problems. As a service to residents of the area, district personnel does, so far as time permits, provide information and technical advice regarding control or prevention measures, or where they can find professional pest control services in the private sector. The district does respond to requests by public agencies where pests on their properties pose a threat to the public. District personnel have also conducted training and demonstration programs for employees of public agencies and private businesses in pest control.

*District Personnel:* A full time manager is employed to plan and organize the work of field inspection and control operations, employ and direct district personnel, maintain financial and operational records and provide public information in accordance with district policies. Additional duties include maintenance and repair of equipment.

During mosquito season qualified field technicians are employed to implement the mosquito abatement program. Part-time help may be hired at the request of the district manager.

## THE STAFF

Our staff for the 2019 mosquito season consisted of experienced veterans like Greg Barron, Manager. Greg has spent 33 years with the district. Greg is the "jack of all and the master of many".

Our other long time employee is Anita Baumgart who is the Surveillance Supervisor. Anita has been with the district for 26 years. Anita is the only employee allowed to operate the predator ATV. Anita is very skillful at mosquito taxonomy and is our new drone pilot. This season we employed five seasonal technicians.

Josie Fernandez returned to us for her fourth season as a mosquito technician. Josie worked in the Irrigon area while training Josie Sanchez to take over those duties. Next, Josie Fernandez assisted Anita with mosquito taxonomy identifying, counting and pooling adult mosquitoes for disease testing. She is a dedicated hard worker. This will be Josie Fernandez last season.



Here is our mosquito control crew along with a couple of extra volunteers ready for action participating in our Independence Day Parade!

We got an unexpected surprise when Abel Rodelo came back for a third and last season. Abel is a seasoned pro and will definitely help with training, surveillance, mechanical work and mosquito control. Abel was responsible for Area 3 which covers RDO and both State and Federal lands. Abel is studying Agriculture Business at Oregon State University. Abel and Josie Fernandez both assisted Anita while she was satisfying her “Fake” application hours with the drone. Abel also completed

an internship while working with us through Oregon State University.

Josiah Barron came back for his third year as part of our mosquito surveillance team. Josiah did an excellent job this season covering the Boardman area. One thing about Josiah...you will never see him just standing around...he is definitely a “self-starter”. He helped train Brandy Quesada-Hermosillo after she was hired mid-July. Josiah is currently studying Political Science at Pensacola Christian College in Florida. I will leave the door open for him if he comes back for a fourth season.

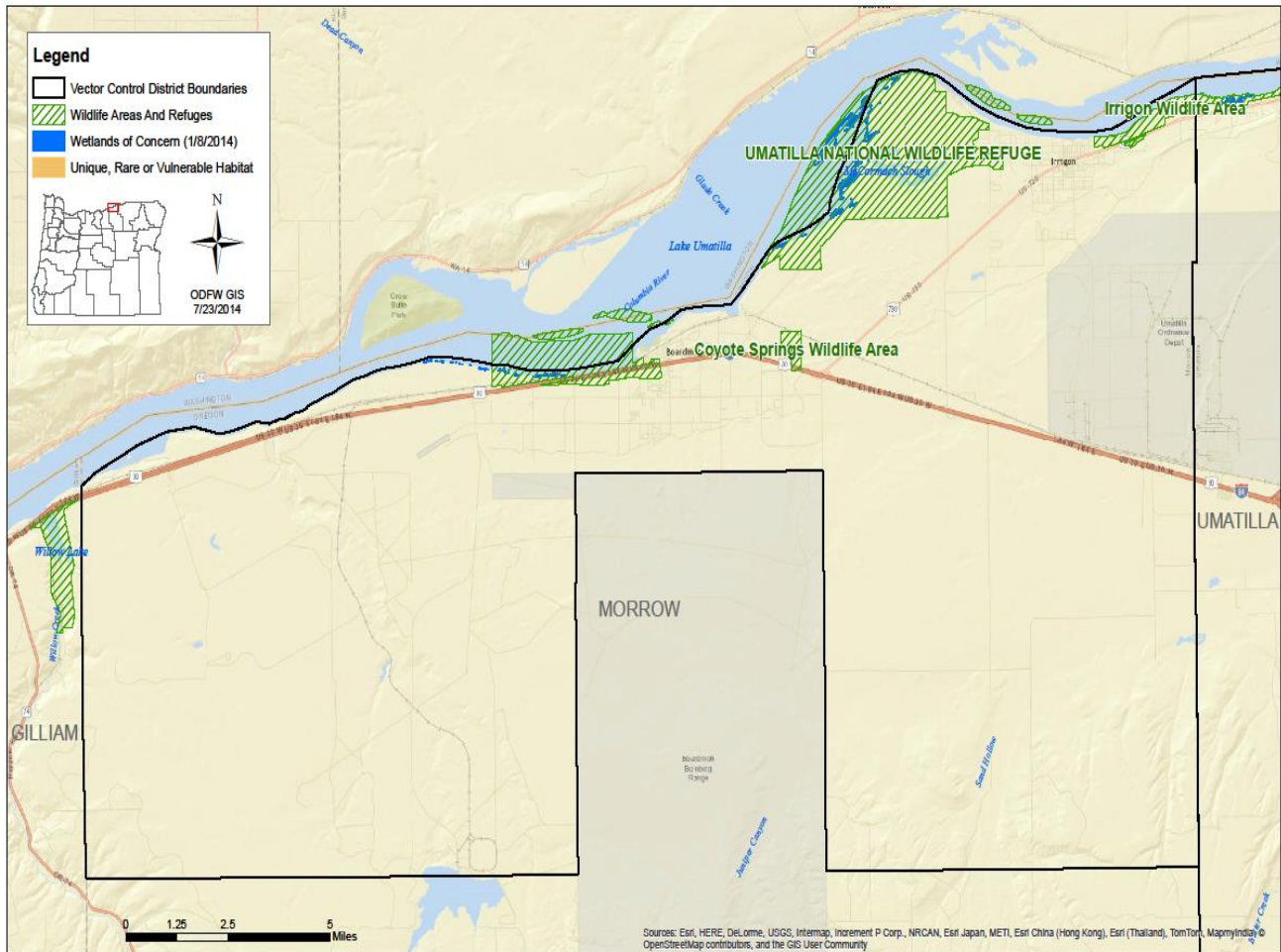
Jocelin “Josie” Sanchez worked in the Irrigon area after Josie Fernandez was moved into the adult mosquito surveillance program to assist Anita with trapping, identification and pooling mosquitoes for disease testing. Jocelin is currently studying Education at Oregon State University.



Brandy Quesada-Hermosillo started working for us this season after passing her exams and obtaining her Oregon Public Applicators License in July. Brandy trained with Josiah. I am hopeful that Brandy will come back and work for us next year. She is currently studying in the school of Public Health at Oregon State University.

## MAPS \* CHARTS \* GRAPHS

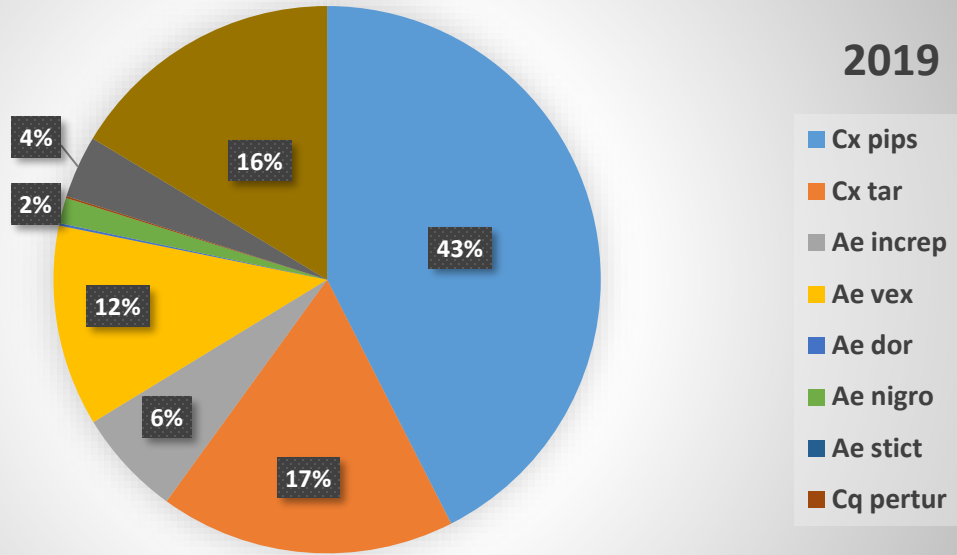
North Morrow Vector Control District - Sensitive Areas



### 2019 NMVCD MOSQUITO TOTALS

	Cx pips	Cx tar	Ae increp	Ae vex	Ae dor	Ae nigro	Ae stict	Cq pertur	Cs inorn	An freeb
TOTAL:	19621	8064	2910	5487	65	698	0	51	1703	7556

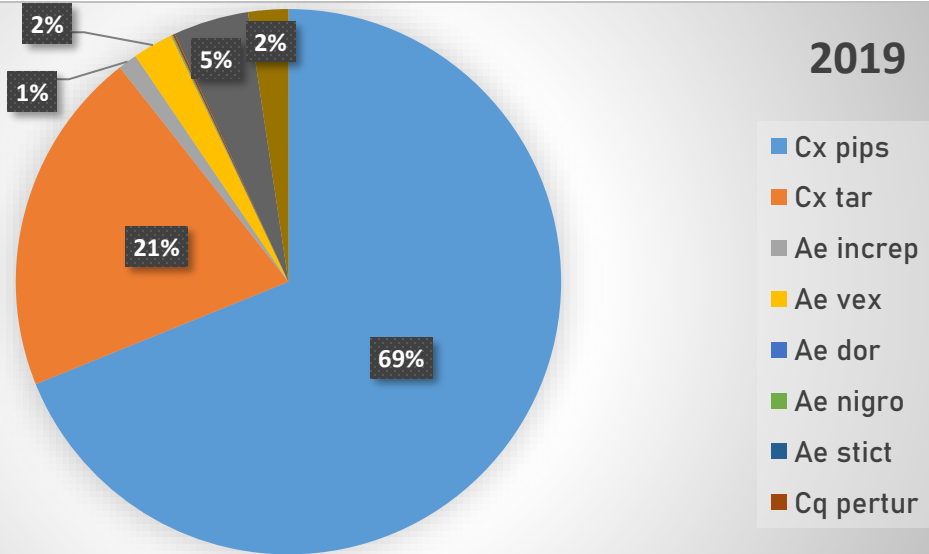
2019



### 2019 NMVCD Mosquito Totals (Excluding Castle Rock Farms)

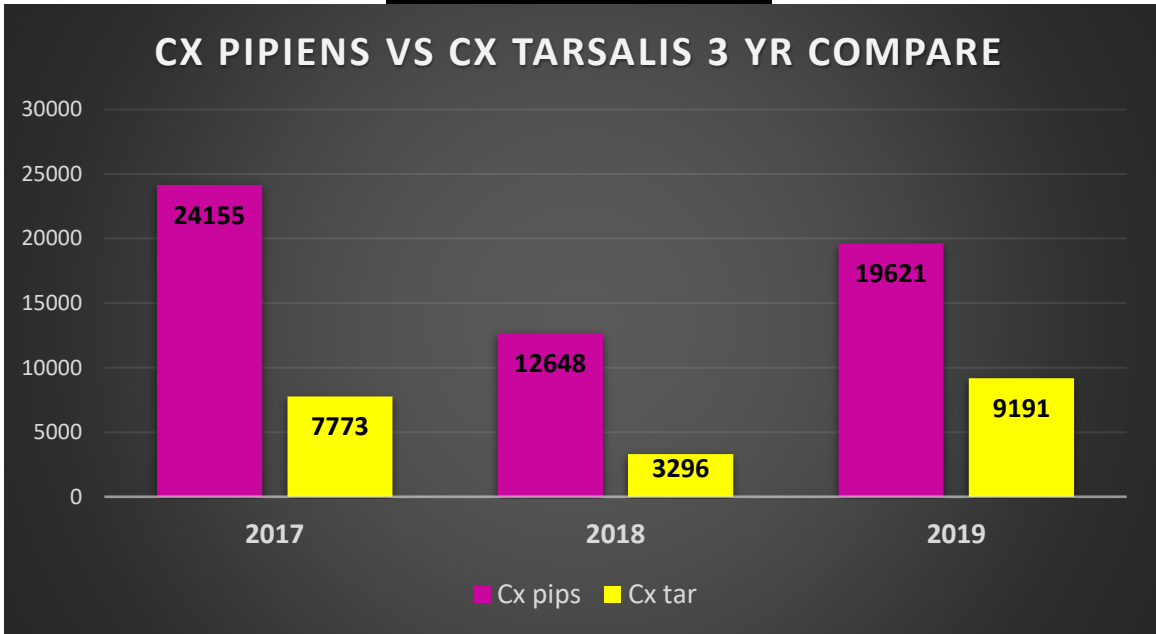
	Cx pips	Cx tar	Ae increp	Ae vex	Ae dor	Ae nigro	Ae stict	Cq pertur	Cs inorn	An freeb
TOTAL:	13097	3902	213	459	6	12	0	25	851	451

2019





	Cx pips	Cx tar
2017	24155	7773
2018	12648	3296
2019	19621	9191

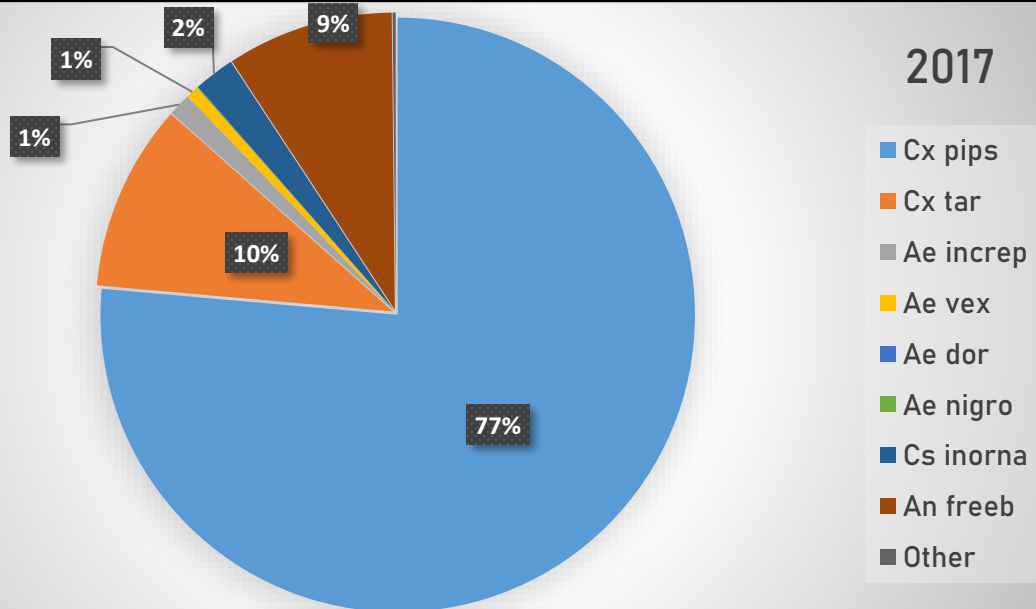


© MATT BERTONE 2015



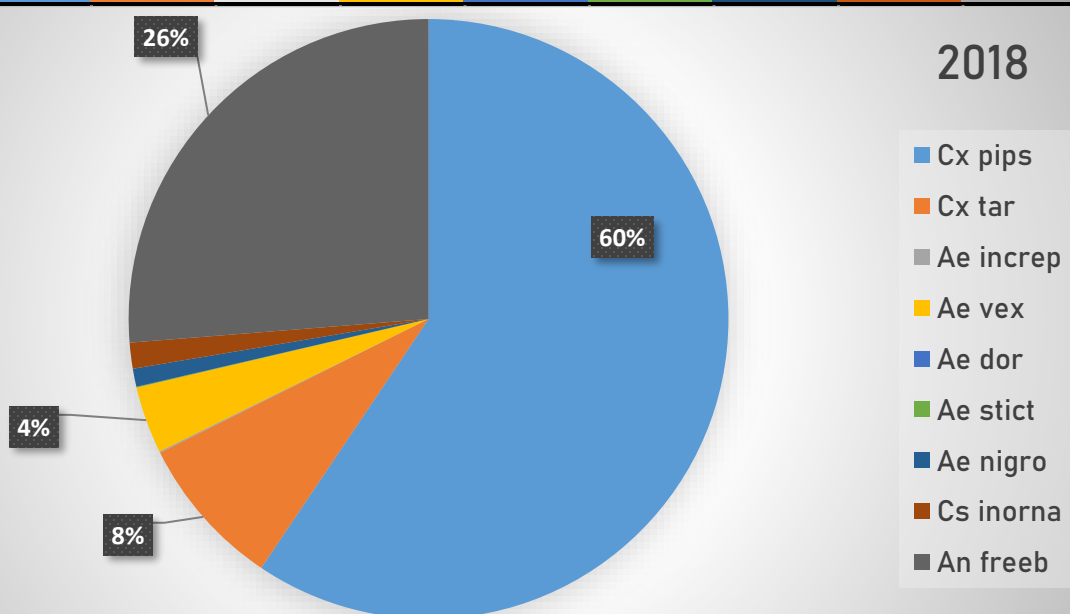
## 2017 CASTLE ROCK FARMS SPECIES PERCENTAGES

TOTALS:	Cx pips	Cx tar	Ae increp	Ae vex	Ae dor	Ae nigro	Cs inoma	An freeb	Other
22162	2951	359	197	0	13	645	2632	49	



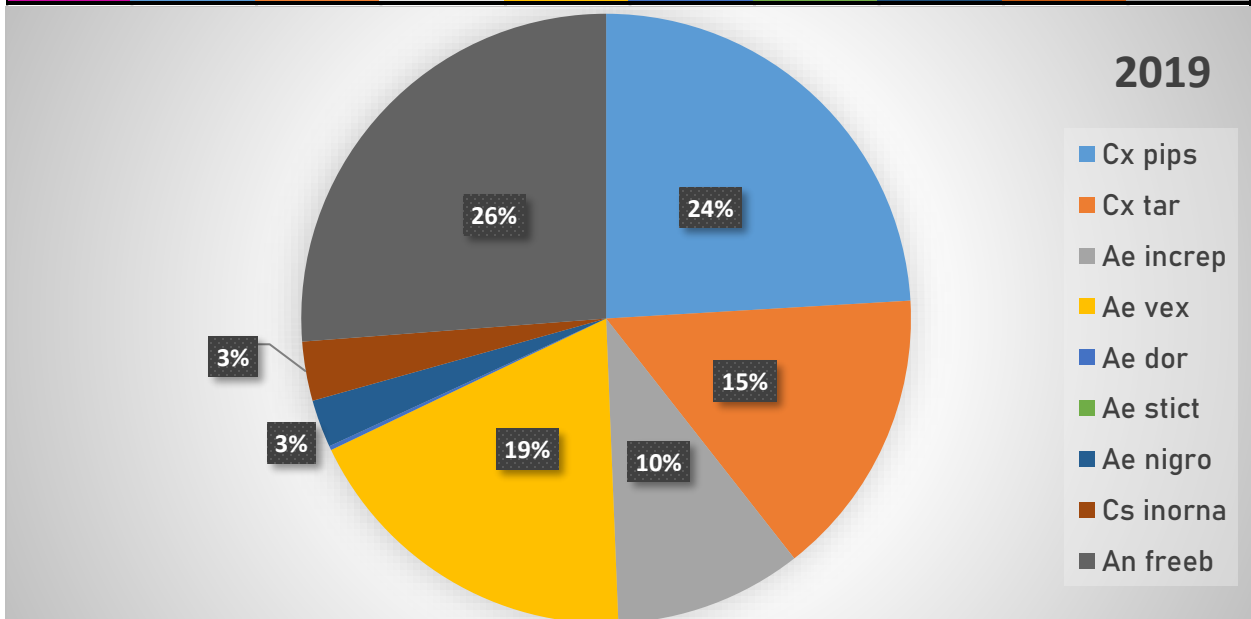
## 2018 CASTLE ROCK FARMS SPECIES PERCENTAGES

TOTALS:	Cx pips	Cx tar	Ae increp	Ae vex	Ae dor	Ae stict	Ae nigro	Cs inoma	An freeb
7437	1030	9	452	0	5	122	175	3287	





2019 CASTLE ROCK FARMS SPECIES PERCENTAGES									
TOTALS:	Cx pips	Cx tar	Ae increp	Ae vex	Ae dor	Ae stict	Ae nigro	Cs inorna	An freeb
	6524	4162	2697	5028	59	0	686	852	7105



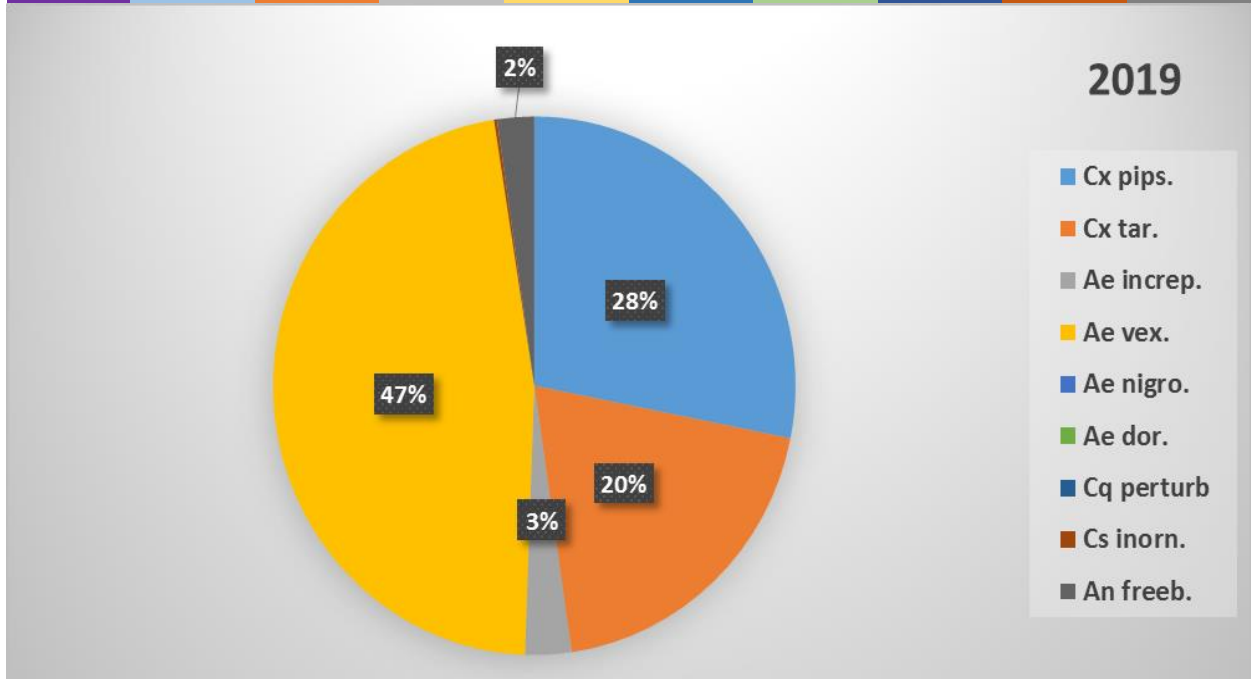
## ODFW LARVACIDE APPLICATIONS FOR 2019

MONTH	MATERIAL APPLIED	RATE APPLIED	LBS.OF MATERIAL	ACRES APPLIED	LBS OF ACTIVE INGREDIENT
APRIL	VECTOBAC (BT)	10/AC	1685	168.5	47.18
MAY	VECTOBAC (BT)	10/AC	1770	177	49.56
JUNE	VECTOBAC (BT)	10/AC	1890	189	52.92
JULY	VECTOBAC (BT)	10/AC	685	68.5	19.18
JULY	VECTOMAX	8/AC	540	67.5	38.88
AUGUST	VECTOMAX	8/AC	540	67.5	38.88
SEPTEMBER	VECTOMAX	8/AC	540	67.5	38.88
TOTAL:			5920	652	226.96

NOTE: ALL LARVACIDE APPLICATIONS WERE APPLIED BY HELICOPTER.

## 2019 COYOTE SPRINGS SPECIES PERCENTAGES

	Cx pips.	Cx tar.	Ae increp.	Ae vex.	Ae nigro.	Ae dor.	Cq perturb	Cs inorn.	An freeb.
TOTALS	148	103	15	247	0	0	0	1	12



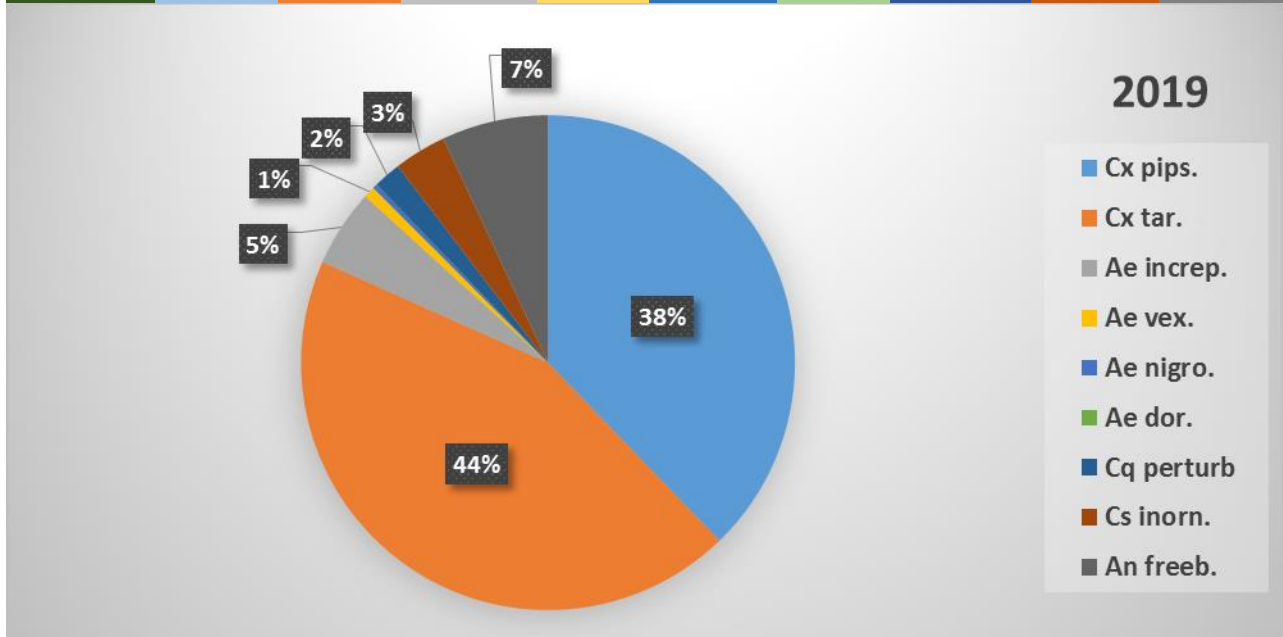
## USFW LARVACIDE APPLICATIONS FOR 2019

MONTH	MATERIAL APPLIED	RATE APPLIED	LBS. OF MATERIAL	ACRES APPLIED	LBS OF ACTIVE INGREDIENT
APRIL	VECTOBAC G	10/AC	40	4	1.12
MAY	VECTOBAC G	10/AC	315	31.5	8.82
JUNE	VECTOBAC G	10/AC	168	16.8	4.704
JULY	VECTOBAC G	10/AC	167	16.7	4.676
AUGUST	VECTOBAC G	10/AC	190	19	5.32
AUGUST	VECTOMAX FG	8/AC	40	5	2.88
SEPTEMBER	VECTOBAC G	10/AC	130	13	3.64
SEPTEMBER	VECTOMAX FG	8/AC	40	5	2.88
<b>TOTAL:</b>			<b>1090</b>	<b>111</b>	<b>27.52</b>

NOTE: APPLICATIONS WERE MADE FROM HELICOPTER AND GROUND CREW.

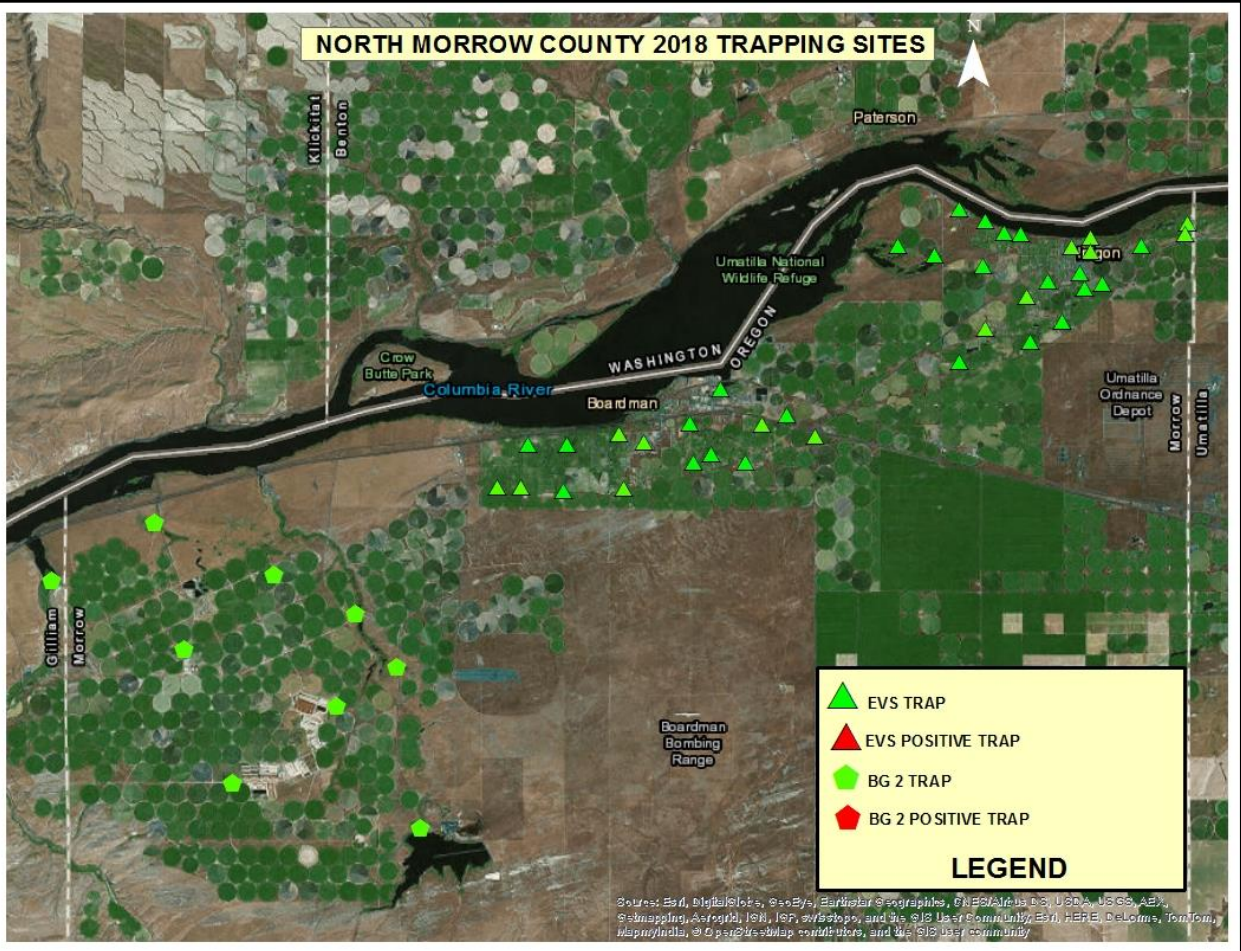
## 2019 FEDERAL REFUGE SPECIES PERCENTAGES

	Cx pips.	Cx tar.	Ae increp.	Ae vex.	Ae nigro.	Ae dor.	Cq perturb	Cs inorn.	An freeb.
<b>TOTALS:</b>	1068	1241	143	21	9	0	51	97	197





# NORTH MORROW COUNTY 2018 TRAPPING SITES



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero, Swire, IGN, IGP, swisstopo, and the GIS User Community; Esri, HERE, DeLorme, TomTom, Mapbox, and the GIS User Community

# District Statistics

## MOSQUITO POOLS

919 pools 2019  
517 pools 2018  
1,100 pools 2017

## POSITIVE POOLS

41 Irrigon 2019  
0 Irrigon 2018  
9 Irrigon 2017  
24 Boardman 2019  
0 Boardman 2018  
8 Boardman 2017  
1 RDO 2019  
0 RDO 2018  
35 RDO 2017  
5 USFWR 2019  
0 USFWR 2018  
0 USFWR 2017

## DEAD BIRDS TESTED

1 Irrigon 2019  
0 Irrigon 2018  
1 Irrigon 2017  
2 Boardman 2019  
0 Boardman 2018  
0 Boardman 2017  
0 positive birds in 2019  
0 positive birds 2018  
0 positive birds 2017

## HUMAN POSITIVES

0 Irrigon 2019  
0 Boardman 2019

## EQUINE POSITIVES

0 Irrigon 2019  
0 Boardman 2019

**DISTRICT**  
274 square miles  
175,360 acres

**CITIES**  
Boardman & Irrigon

**ESTIMATED POPULATION**  
8,000 people

## **OPERATING BUDGET**

FY 2019-20  
\$991,808  
FY 2018-19  
\$991,675  
FY 2017-18  
\$791,101

## **DISTRICT EMPLOYEES**

1 manager  
2019 earnings  
\$82,800.08  
2018 earnings  
\$79,426.44  
2017 earnings  
\$77,113.44  
  
1 Surveillance Supervisor  
2019 earnings  
\$63,999.96  
2018 earnings  
\$56,250.00  
2017 earnings  
\$51,249.96  
  
4 to 5 Field Technicians  
2019 earnings  
\$48,731.25  
2018 earnings  
\$42,207.50  
2017 earnings  
\$36,111.96

## **GROUND ADULTICIDING**

29,507 acres 2019  
14,582 acres 2018  
42,324 acres 2017

## **AERIAL ADULTICIDING**

10,425 acres 2019  
0 acres 2018  
2,389 acres 2017

## **GROUND LARVACIDING**

447 acres 2019  
324 acres 2018  
605 acres 2017

## **AERIAL LARVACIDING**

1,857 acres 2019  
1,560 acres 2018  
2,177 acres 2017

## **MOSQUITO FISH**

120 fish 2019  
125 fish 2018  
127 fish 2017



# North Morrow Vector Control District

"We bite Mosquitoes Back"

- 3 Marine Drive/ P.O. Box 192 • Boardman, Oregon 97818 • 541.481.6082 Voice  
541.481.6082 Fax (by request)  
Email: [gbarron@centurytel.net](mailto:gbarron@centurytel.net)

February 10, 2020

Pat Tolar  
81712 Pleasant View Rd  
Irrigon, OR 97844

Dear Pat:

Thank you so much for agreeing to serve out the remainder of Board Member Roger Trueax Trustee Position 1 on the North Morrow Vector Control District Board. Roger has decided to retire from the Board effective January 30, 2020. You will serve out the remaining term of Board Position 1 which ends 06/21/23.

I will need to get official approval from the Morrow County Court on your appointment to the Board. Please check the appropriate statement at the bottom of this letter to show your interest in serving. At our next Board Meeting, you will be presented to the Board of Trustees for their approval and upon approval for the signing of the "Oath of Office".

Thank you again for agreeing to serve out the remainder of Board Position 1 term until 06/21/23. Please send this letter back to me using the provided stamped envelope.

(Check Here) Yes, I agree to serve out the remainder of Trustee Position 1 being vacated by Roger Trueax who has retired from the Board as of January 30, 2020.

Pat Tolar (Sign Here)

Respectfully,

Greg Barron, Manager  
[gbarron@centurytel.net](mailto:gbarron@centurytel.net)  
(541) 481-6082 Office  
(541) 701-7311 Cell





# North Morrow Vector Control District

*"We bite Mosquitoes Back"*

- 3 Marine Drive/ P.O. Box 192 • Boardman, Oregon 97818 • 541.481.6082 Voice  
541.481.6082 Fax (by request)

Email: [gbarron@centurytel.net](mailto:gbarron@centurytel.net)

June 4, 2020

Attn: Roberta Lutchter, Executive Assistant  
Morrow County Board of Commissioners  
P.O. Box 788  
Heppner, OR 97836

Dear Morrow County Board of Commissioners:

Long time North Morrow Vector Control District Board Member Roger Trueax has retired from the Board effective 01/30/2020.

With North Morrow Vector Control District Board approval, Pat Tolar, Budget Committee Member for North Morrow Vector Control District was appointed to the Board at a meeting held on 05/20/2020. (See attached meeting minutes).

Pat lives in the Irrigon area and is employed by the Port of Morrow at the Sage Center. Please find Pat a suitable replacement to serve out the remainder of Roger Trueax's term on the North Morrow Vector Control District Board of Trustees until the term expires on 06/21/23.

I look forward to hearing from you upon Pat being approved by the Morrow County Board of Commissioners.

Respectfully,  
Greg Barron, Manager  
P.O. Box 192 / 3 Marine Dr.  
Boardman, OR 97818  
[gbarron@centurytel.net](mailto:gbarron@centurytel.net)  
481-6082



**AGENDA ITEM COVER SHEET**  
**Morrow County Board of Commissioners**  
**(Page 2 of 2)**

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**1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):**

Umatilla Police Department is requesting the PSAP services (9-1-1 call taking and Dispatching Services) of Morrow County Sheriff's Office.

Discussion points to be addressed by appropriate personnel. City of Umatilla Manager, Chief Huxel & Melissa Ince, Deputy City Manager/Finance Director. Morrow County Sheriff's Office, Sheriff Matlack, Undersheriff Bowles & Comms LT. K Bowles.

**2. FISCAL IMPACT:**

The cost of additional FTE/Dispatch position. These cost have been included in the projected dispatch fees/cost for service to Umatilla PD. Resulting in no additional cost to Morrow County. See attached proposed budget.

**3. SUGGESTED ACTION(S)/MOTION(S):**

Based on this meetings discussion from the City of Umatilla and Morrow County Sheriff's Office the Board of Commissioners can make a decision for steps moving forward.

Attach additional background documentation as needed.

Morrow County				With UPD 9-1-1 Tax					
Total Revenue from 9-1-1 Tax w/ 33% increase:				407,982.00	49,622.00		457,604.00		
Total Cost of Dispatch:				976,418.00			976,418.00		
				568,436.00			518,814.00		
Minus Wages from NON-Disptachers:				130,642.46	LT			130,642.46	
				117,803.42	SGT			117,803.42	
				319,990.12			270,368.12	W/FTE	
								75667.04	
								346035.16	
MCSO	18468	75%	239,992.59	MCSO	18468	55.2%	149243.20	191011.43	
BPD	4141	16	51,198.42	BPD	4141	12.4	33525.65	42908.36	
EMS	1356	5	15,995.51	EMS	1356	4.1	11085.10	14187.44	
BFD	382	2	6,399.80	BFD	382	1.1	2974.05	3806.39	
IRRF	125	1	3,199.90	IRRF	125	.5	1351.84	1730.18	
LEXF	14	.1	319.99	LEXF	14	.1	270.37	346.04	
IONF	66	.1	319.99	IONF	66	.2	540.74	692.07	
HEPF	195	1	3,199.90	HEPF	195	.6	1622.21	2076.21	
CFS	24747			UPD	8083	24.2	65429.09	83740.52	
			320630.10	UFD	624	1.9	5136.99	6874.67	
				CFS	33454		271179.22	347373.31	

**Kristen Bowles**

---

**From:** Ronda Fox  
**Sent:** Thursday, February 28, 2019 2:45 PM  
**To:** Kristen Bowles  
**Subject:** RE: OVERHEAD

Here you go. I am still trying to figure out where those figures came from for that B3????

<b>BASIC 3 FY 19-20</b>	
YR.SALARY	\$43,247.64
HEALTH&DENTAL	\$16,091.28
FICA	\$2,681.35
RETIRE	\$10,725.41
UNEMP	\$568.40
DISAB.	\$62.64
LIFE	\$61.32
W.C. 8810	\$51.90
MEDIC	\$627.09
HRA V	\$1,500.00
AIR LIF	\$50.00
<b>ESTIMATE</b>	
TOTAL	\$32,419.40
OVERHEAD	\$15.59
AVG HR COST	\$20.79
AVG OT COST	\$31.19
TOTAL COST	<b>\$36.38</b>
TOTAL COST W/OT	<b>\$46.77</b>
<b>YEARLY SAL. PLUS BENEFITS</b>	<b>\$75,667.04</b>

02/28/2019

Ronda Fox  
Finance Management Assistant  
Morrow County



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Presenter at BOC:
Department:
Short Title of Agenda Item:
(No acronyms please)

Phone Number (Ext):
Requested Agenda Date:

This Item Involves: (Check all that apply for this meeting.)
Order or Resolution
Ordinance/Public Hearing:
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time:
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time:
Purchase Pre-Authorization
Other

N/A
Purchase Pre-Authorizations, Contracts & Agreements
Contractor/Entity:
Contractor/Entity Address:
Effective Dates - From: Through:
Total Contract Amount: Budget Line:
Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Department Director Required for all BOC meetings
Administrator Required for all BOC meetings
County Counsel \*Required for all legal documents
Finance Office \*Required for all contracts; other items as appropriate.
Human Resources \*If appropriate

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Council, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

# AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

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1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

2. FISCAL IMPACT:

3. SUGGESTED ACTION(S)/MOTION(S):

Attach additional background documentation as needed.



P.O. Box 788 • Heppner, OR 97836  
541-676-5613  
www.co.morrow.or.us

## Board of Commissioners

Commissioner Melissa Lindsay, Chair  
Commissioner Don Russell  
Commissioner Jim Doherty

May 13, 2020

Attn.: PCN 4  
Administrative Hearings Division  
Public Utility Commission of Oregon  
PO Box 1088  
Salem, OR 97308-1088

RE: Morrow County Initial Written Comments  
PCN 4

On March 19, 2020, Umatilla Electric Cooperative (“UEC”) filed a Petition for Certificate of Public Convenience and Necessity to allow construction of an overhead transmission line which will require a condemnation of land or an interest therein. The Transmission Line will run approximately four and three tenths (4.3) miles west from the Highway 730 Switchyard and terminate at UEC's planned Olson Road Substation (location of new data center being constructed). UEC states that the transmission line (and possible requirement for condemnation) is necessary to allow the company to continue to provide adequate line capacity and reliability to existing and *new loads* in the Boardman and Port of Morrow Areas.

Morrow County has an interest in the Public Utility Commission determination based upon the following:

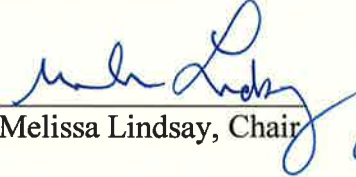
- The County owns property adjacent to the Tallman property. While none of the proposed routes include condemnation or use of County owned property, the transmission line would run along two sides of the County owned property (Attachment A). The county has concerns regarding any negative effects on access to the County parcel (line goes over road), and any insurance issues regarding fall lines of the poles.
- Prior to the filing of this PCN request, UEC filed Land Use Application LUD-N-26-20 with the Morrow County Planning Department, requesting the County allow construction and operation of a double circuit 230 kV transmission line on single-poles on property in the County (other part of the lines is on City of Boardman jurisdiction). (Attachment B). That Land Use Application is still under review by planning staff.



- The Morrow County Board of Commissioners believe that any condemnation of property by a government agency or utility is something that should only occur as an absolute last resort and necessary for public service.

The County will continue to monitor this process and provide additional testimony or evidence as necessary. The County appreciates the work of Public Utility Commission, and we look forward to continuing our involvement in this process.

Thank you for your time,

  
Melissa Lindsay, Chair

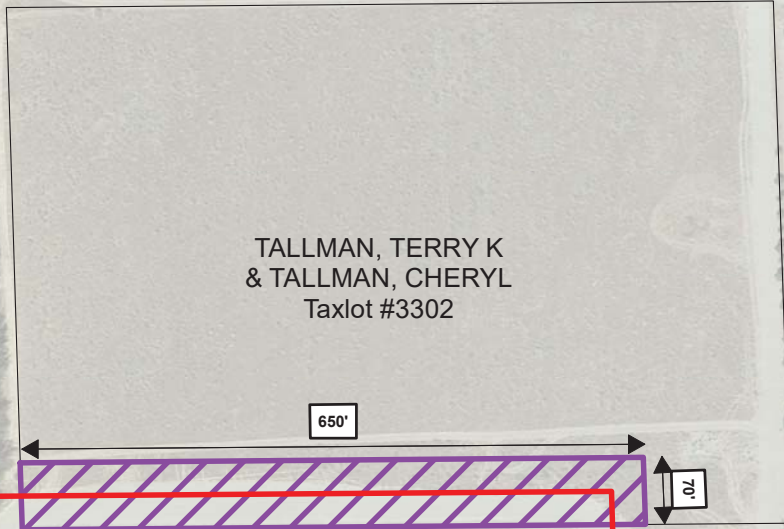
  
Jim Doherty, Commissioner



  
Don Russell, Commissioner

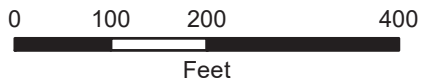


# Attachment A

UEC/104 Toth/6



-  Easement Required
-  Preferred 230kV Centerline



THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES AND SHOULD ONLY BE RELIED UPON AS SUCH



830 E PRIMROSE, SUITE 200  
SPRINGFIELD, MO 65807  
Ph. 417-888-0645 Fax: 417-888-0657  
www.tothassociates.com

Project: **Olson Rd 230kV Planned Transmission Line**

Client: **UMATILLA ELECTRIC COOPERATIVE**  
HERMISTON, OREGON OREGON 14, UMATILLA

Land Owner: **TALLMAN, TERRY**

Map #: **M7**

1 of 5

# **Umatilla Electric Cooperative**

**Olson Rd 230 kV Planned Transmission Line**

**Morrow County Land Use Request**

# Attachment B - 2

## Umatilla Electric Cooperative Olson Rd 230 kV Planned Transmission Line Land Use Application TABLE OF CONTENTS

1. Application Form
2. Project Narrative
3. Exhibits
  - a. Table A - Landowner List
  - b. Table B - Subject Parcels
  - c. Exhibit A - Vicinity Map
  - d. Exhibit B - Project Map
  - e. Exhibit C - Pole Diagram
  - f. Exhibit D - Landowner Consent Documentation
4. Application Fee (submitted separately)

Submitted by Umatilla Electric Cooperative. Direct questions/comments to:

**Wendy Neal**  
wendy.neal@umatillaelectric.com  
(541) 289-1522

**Gopala Borchelt**  
gborchelt@tothassociates.com  
(417) 888-0645

# Application Form



# Attachment B - 4



## LAND USE APPLICATION

**PAID**  
03/11/2020 *dm*

FILE NUMBER LUD-N-26-20

Fee \$200  
Date Received 03-11-2020  
Date Deemed Complete \_\_\_\_\_

**Type of Application (check one):**

- Non-Farm Use                       Temporary Use                       Dwelling Authorization  
 Agri-tourism                       Event(s)                       Other Utility Facility Necessary  
for Public Service

**Applicant:**

Name(s) Umatilla Electric Cooperative  
Address 750 W Elm P.O. Box 1148  
Hermiston, OR 97838  
Phone 541-289-1522      E-mail address wendy.neal@umatillaelectric.com  
417-888-0645                      gborchelt@tothassociates.com

**Legal Owner (if different from the applicant):**

Name(s) See parcels list in Table B accompanying this application.  
Address \_\_\_\_\_  
\_\_\_\_\_

**Legal and Physical Description:**

Township 4N Range 25E, 26E Section 11, 12, 07 Tax Lot(s) 500, 600, 400, 201  
Physical Address See Table B and Exhibit D: Landowner Consent Documentation.  
General Location Project alignment runs generally from the northeast of the intersection of Hwy 730  
and I-84 from a planned electrical switch station, westerly to a planned electrical substation location  
just west of Olson Road and south of I-84.

**PROPOSAL (Identify what you are proposing):** \_\_\_\_\_

A double circuit, 230 kV transmission line on single-pole structures ranging from approximately 90 ft to 130 ft tall.

**APPROVAL CRITERIA:**

Zoning Designation EFU                      Acreage See attached Table A  
List the applicable Article, Section(s), and Subsection(s): Article 2, Sections 3.010 Subsection D.10

*A Planner can assist you in identifying the review criteria that apply to your request. The review criteria are used to determine whether your application will be approved or denied. It is your responsibility to provide adequate written justification and any other evidence you feel is relevant to explain how your request complies with the review criteria. Failure to provide adequate justification may result in your application being denied, or deemed incomplete until additional information is provided. For additional space on any questions, please attach a separate sheet of paper.*

# Attachment B - 5

## PHYSICAL FEATURES (Describe the site):

Vegetation on the property: Property has some cultivated agricultural land use and some irrigated areas.

Topography of the property (i.e. rocky, hilly, forested): Gently rolling hills, 2 to 12 percent slopes.

Any significant features of the property (i.e. steep slopes, water bodies, etc.): No

Soil type(s): Quincy loamy fine sand.

Is the land or any portion of it subject to flooding? Minimal, if any. None expected to affect project.

Most current use of the property: Cultivated agricultural land use.

Has the location been utilized as an integral part of the farming operation on the property? No

Does the location have water rights for irrigation? Proposed utility does not affect water rights or use.

What are the predominant farming types in the area? Center pivot irrigation, row crops.

Is the property currently under special assessment by the County Assessor's Office? EFU

## EXISTING IMPROVEMENTS:

What structures or development does the property contain? Will any structure be removed or demolished? No buildings within proposed use area (easement area). No structures will be removed.

## DESCRIBE THE ACCESS TO THE PROPERTY (check one):

State Highway     County Road     Public Road     USFS     Private Easement

Road Name: Hwy 730, Root Lane, Olson Rd, private farm roads.

Improvement type and condition of road: Paved and unpaved 2 lane roads.

Will any new access be required? No

## EXISTING SERVICES:

Fire protection district or method: Not applicable.

Solid waste disposal method: Not applicable.

Utilities and other public services provided: Not applicable.

## Please include a map or plot plan with the following information:

Existing and proposed water supply; Not applicable.

Existing and proposed sewage disposal method; Not applicable.

Location of existing and proposed structures; and Not applicable.

Existing and proposed roads and accesses. Existing roads shown on Exhibit A.

## With the map please provide a description of:

How the proposal will be compatible with surrounding land uses: Proposed alignment has been developed in collaboration with landowners to mitigate any impact to existing farm use.

How the proposal will protect and preserve existing natural resources such as trees, vegetation, water resources and wildlife habitat: No impacts are expected to water and vegetative resources.

Design will adhere to the applicant's Avian Protection Plan which conforms to APLIC guidelines.

Whether you believe diking, screening or other landscaping will be required to protect nearby properties and habitats: Silt fence or other methods may be used when building across canal or ditch if deemed necessary.







# **Land Use Request**

## **Project Narrative**

# Attachment B - 8

## Umatilla Electric Cooperative

### Olson Rd 230 kV Proposed Transmission Line

#### Project Narrative

**APPLICANT:** Umatilla Electric Cooperative  
750 W Elm P. O. Box 1148  
Hermiston, OR 97838

**OWNERS:** Umatilla Electric Cooperative (UEC) is proposing to construct the Olson Road 230 kV Transmission Line (Proposed Line) in Morrow County near Boardman, OR. The Proposed Line crosses several parcels which fall in Morrow County and the City of Boardman jurisdictions. Each parcel is identified with its respective landowner, and Exclusive Farm Use (EFU) zoned parcels subject to the application (See Tables A and B). These landowners have given consent for a Land Use Decision application to be submitted to the County either by signing a Land Use Consent Form, or through grant of an Easement or Easement Option to UEC. Written consent documentation is provided (See Exhibit D).

**PROPOSAL:** The Proposed Line is needed to reliably accommodate electrical growth in the Boardman area. The Proposed Line will be integrated into UEC's electric system grid as a new electrical source into the area. UEC's electrical load in the Boardman area has grown from 62 MW in 2009 to 260 MW in 2019, with forecasted growth to be above 535 MW by the end of 2029. This growth is the main reason behind the need for the new transmission line into the area. See attached Exhibits A and B showing the Proposed Line that is the subject of this Application and that will be needed to continue providing adequate service to the area as electrical load growth continues.

The Proposed Line will extend from the planned Hwy 730 Switchyard, to the planned Olson Rd Substation, approximately 4.3 miles (See Exhibit B). Proposed Line construction will consist of a double circuit 230 kV transmission configuration on single steel pole structures with typical heights between 90 and 130 feet (See Exhibit C). In order to minimize impacts related to construction activities tied to the line, as well as minimize potential impacts of the line regarding existing land use and future area development, several criteria were utilized in development of the line route. These criteria include route selection that is adjacent to roadways, on the edge of property boundaries, and near existing electric transmission corridors where reasonably feasible. The need for the Proposed Line to cross EFU parcels is due in large part to restrictive BPA crossing locations for reasons of safety, and the spanning requirements related to crossing Hwy 730. See 3.010.D.10(1)(b) for additional information.

Several alternate routes for this transmission line have been explored and the Proposed Line is considered the preferred alternative. Minimization of land use impacts, input from landowners and design feasibility were primary factors in determining the preferred route. Considering that the anticipated demand for electrical power is in the Boardman area, as stated above, a more southerly route alternative for the Proposed Line is less desirable because it would have to be considerably longer to reach the

## Attachment B - 9

needed service area and would also require crossing more EFU land. No workable alternate route exists directly north of and adjacent to I-84 (Columbia River Hwy) due to there being no feasible crossing of the BPA transmission lines on the north side of and adjacent to I-84. An alternate route running parallel and just south of the existing BPA transmission lines would have to be longer than the Proposed Line in order to reach a feasible location to cross the BPA lines. The BPA transmission lines in this area consist of three separate lines with three separate sets of tower structures which are staggered. The staggered nature of the towers limits possible crossing locations due to needed clearances and structure requirements. An alternate route running south of and adjacent to BPA's lines would also impact irrigated croplands, wetlands and residential areas. An alternate route running just south of I-84 in the Laurel Lane Rd interchange would cause new impacts to commercial properties in this area. With the Proposed Line, total impacts are lower by the line running parallel to the existing BPA transmission lines where possible.

**REQUEST:** UEC requests a determination that the Proposed Line is a Use Permitted Outright as a *Utility Facility Necessary for Public Service* pursuant to the Morrow County Zoning Ordinance governing Exclusive Farm Use (EFU) stated in Section 3.010, Subsection B.25.

**LOCATION:** The Proposed Line location is identified in the attached Exhibits A and B.

**ZONING:** This application for a Land Use Decision only applies to areas zoned EFU, which are shown in Table B.

The Proposed Line traverses through other zones and jurisdictions where the use does not require separate land use approval, including Morrow County and the City of Boardman. The Proposed Line lies in county zoned areas, General Industrial (MG), Farm Residential (FR2), and Port Industrial (PI). It also lies in two Commercial Districts of the City of Boardman, which include the Service Center Sub District (SC) and General Industrial (GI). Refer to Table A for a list of all parcels designated by jurisdiction.

**COMPLIANCE:** The Proposed Line is permitted outright in the County EFU zone, subject to Use Standards provided in section 3.010 Subsections B.25 and D.10. The following includes narrative from the applicable Morrow County Zoning Ordinance (Zoning Ordinance) Sections (**in bold**) with compliance justification and responses following each subsection.

**EFU – 3.010.B. Uses Permitted Outright. In the EFU zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:**

**3.010.B.25. Utility facilities necessary for public service, including associated transmission lines as defined in Article 1 and wetland waste treatment systems, but not including commercial facilities for the purpose of generating**



# Attachment B - 10

**electrical power for public use by sale or transmission towers over 200 feet in height as provided in Subsection D.10.**

Article 1 of the Zoning Ordinance defines “utility facility” in part as a “major structure owned or operated by a public, private, or cooperative electric, fuel, communication, sewage, or water company for the generation, transmission, distribution, or processing of its products or for the disposal of cooling water, waste, or byproducts, and including power transmission lines....” The Proposed Line does not include towers of 200 feet in height. The Proposed Line is therefore a power transmission line and qualifies as a Utility Facility under the County’s definition.

A Utility Facility is “necessary” under this provision of the Zoning Ordinance, which implements ORS 215.275, if it is necessary to be in the farm zone. The Use Standards addressed below also determine when a Utility Facility is necessary.

The following parcels are in this zone: 500, 600, 400, and 201. The eastern most portion of the Proposed Line is the Hwy 730 Switchyard. That parcel where the switchyard is, and the parent parcel it was created from, is completely surrounded by EFU parcels. The line cannot avoid crossing all EFU parcels in that area, largely because of the constraints that exist at the intersection of Highway 730 and Interstate 84. Even if such a crossing were feasible, once the line got to the west side of Highway 730, there would be more EFU parcels adjacent to that area that would still have to be crossed. Even if those parcels did not exist, the line would have to then double back to the east, then north toward the existing BPA lines. As noted above, and explained in more detail below, such a northerly route is not feasible.

Given the prevalence of EFU parcels around the Highway 730 Switchyard site, there is no feasible route that completely avoids EFU parcels. The Proposed Line, however, is designed to have minimal impact to current and future agriculture land use in the area.

### **3.010.D. Use Standards**

#### **10. A utility facility that is necessary for public service.**

**a. A utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service.**

**(1) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:**

##### **(a) Technical and engineering feasibility;**

The Proposed Line is feasible from an engineering perspective and utilizes existing transmission corridors, runs along roadways and minimizes road crossings. UEC analyzed multiple alternative routes in part to determine whether EFU parcels could be avoided. Because of the prevalence of EFU parcels in this area, no route exists that would avoid all EFU parcels. An alternative route located along the north side of I-84 would avoid several EFU parcels, but would still require crossing one EFU parcel, and that alternative is not feasible from an engineering standpoint. As stated above, there is not a feasible location where the BPA transmission lines can be crossed on

## Attachment B - 11

the north side of I-84 due in part to the proximity of industrial buildings to the interstate Right-of-Way in this area and partly due to the locations of the BPA transmission towers. There are three adjacent BPA transmission lines that transect this area which are supported by towers that are not in line but are staggered along the transmission corridor. These conditions create a scenario where the clearance needed for the safe crossing of the 230 kV line under the BPA transmission lines is not available.

A more southerly route or a route adjacent to and just south of the BPA Transmission lines would not only have a greater impact on EFU parcels than the Proposed Line route but would also add to the overall length of the line.

**(b) The proposed facility is locationally-dependent. A utility facility is locationally- dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;**

The siting of the Proposed Line in the EFU-Zoned parcels is locationally dependent for multiple reasons. As explained above, the area around the Highway 730 Switchyard parcel is completely surrounded by the EFU zone, except for the I-84 right of way where the line cannot be constructed. To completely avoid EFU parcels, the Proposed Line would be forced to cross the intersection of Highway 730 and Interstate 84 in a manner that is not technically feasible. Further, even such a crossing would force the route to zig-zag around other EFU parcels, creating a route that is not direct, much less reasonably direct.

The crossing of tax lots 500 and 600 specifically is due to the limited safe crossing locations under the three existing BPA transmission lines in the area. Access across these parcels will not impact the farming operations due to placement of the Proposed Line, which will be situated along the roadway and will be the most direct route for the line. This feasible BPA transmission line crossing is located just within the City of Boardman city limits approximately 1500 feet east of Laurel Ln Rd.

EFU-zoned parcel 400, is located north of Interstate 84. The siting of the Proposed Line on this parcel will parallel the interstate Right-of-Way and the BPA transmission line, and little to no impact on agricultural use is expected.

Siting of the Proposed Line on the EFU-Zoned parcel 201 is due to this location being the only feasible access to the planned 730 Switchyard on the adjacent parcel, parcel 4703. Tax Lot 201 current use is for equipment parking and is not currently in crop production. In addition, the structures will be located to provide the least amount of impact to the property, based on the landowner input.

**(c) Lack of available urban and non-resource lands;**

The Proposed Line utilizes urban and non-resource lands where available (Parcels 900, 1100, 1200, 1201, 200, 300, 200, and 4703). However, as explained above, there is a lack of urban or non-resource lands that would otherwise allow the Proposed Line to avoid EFU parcels altogether.



# Attachment B - 12

## **(d) Availability of existing rights of way;**

The Proposed Line utilizes existing rights of way where available. In areas where there are none, the Proposed Line is routed to avoid and minimize impacts to EFU lands while taking into consideration the other factors listed here.

## **(e) Public health and safety; and**

Public health and safety are taken into consideration by minimizing unnecessary road crossings, crossing the BPA lines in a safe manner, and avoiding proximity to buildings and residences.

## **(f) Other requirements of state and federal agencies.**

As noted above, the crossing of the BPA lines is very limited, and the crossing proposed in this application is one of the few areas where BPA would allow such a crossing.

**(2) Costs associated with any of the factors listed in Subsection (1) may be considered but, cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.**

The primary factors in determining the specific location of the Proposed Line include; input from landowners along the route, design feasibility and cost, and minimization of current land use impacts. While cost was a factor, this was not the only consideration.

**(3) The owner of a utility facility approved under Subsection a shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.**

UEC acknowledges these requirements and affirms its responsibility for compliance. UEC contractors will be required to restore damages as near to their former condition as can reasonably be expected. UEC contractors are required to be insured and bonded for the full value of their respective contracts.

**(4) The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.**

The siting of the Proposed Line is designed to follow existing power lines and road corridors to minimize the impact of construction and maintenance activities. Structure heights and

## Attachment B - 13

placement are designed to minimize ground clearances impacts on farm activities, such as center pivots, and farm equipment. The structures will be designed to meet requirements of RUS Bulletin 1724E-200 and 2017 National Electrical Safety Code (NESC).

**(5) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Article 6. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.**

This criterion does not apply. The proposed use will not include facilities for temporary workforce housing.

**(6) In addition to the provisions of Subsection D.10.a(1) through (4), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.**

This criterion does not apply. The proposed use will not include facilities for sewage disposal.

**(7) The provisions of Subsection a do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.**

This criterion does not apply. The proposed use will not include natural gas pipelines or facilities associated with natural gas pipelines.

**b. An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection (1) or Subsection (2) of this Subsection.**

The Proposed Line is not an "associated transmission line" as defined by ORS 215.274. The standards set forth in this section of the Zoning Ordinance therefore do not apply.



# **EXHIBITS**

**Table A - Landowner list**

**Table B - Subject parcels**

**Exhibit A - Vicinity map**

**Exhibit B - Project Map**

**Exhibit C - Pole Diagram**

**Exhibit D - Landowner consent documentation**

**TABLE A**

Owner	Address/Phone#	Physical Address of Property	Map Number/Tax Lot	Size (Acres)	Zoning/Jurisdiction	Easement Status
VADATA, INC	P.O. Box 80416 Seattle, WA 98108		04N25E 09 TL 411	80.19	City of Boardman	Expected to Sign
STIFFLER, LLC (Land Use Decision: LUD 9-19-19)	33896 E Walls Rd. Hermiston OR 97838		04N25E 10 TL 3400	77.98	EFU (LUD 9-19-19)	Signed
PORT OF MORROW	P.O. Box 200 Boardman, OR 97818 (541)481-7678		04N25E 10 TL 3000	11.43	City of Boardman	Signed
PORT OF MORROW	P.O. Box 200 Boardman, OR 97818 (541)481-7678		04N25E 10 TL 3300	1.29	City of Boardman	Signed
TERRY K & CHERYL TALLMAN	706 Mt. Hood Ave. Boardman, OR 97818		04N25E 10 TL 3302	10	City of Boardman	Negotiating
TERRY K & CHERYL TALLMAN	706 Mt. Hood Ave. Boardman, OR 97818	452 Laurel Ln Rd. Boardman, OR 97818	04N25E 10 TL 3205	11.88	City of Boardman	Negotiating
FE & FRANCES T GLENN	PO Box 281 Boardman, OR 97818	105 Laurel Ln Rd. Boardman, OR 97818	04N25E 10 TL 3201	7.61	City of Boardman	Signed
WALO, LLC	PO Box 909 Irrigon, OR 97844	325 Yates Ln Boardman, OR 97818	04N25E 10 TL 3206	11.75	City of Boardman	Negotiating
RANDALL E & CATHERINE A YATES	PO Box 669 Boardman, OR 97818	335 Yates Ln Boardman, OR 97818	04N25E 11 TL 403	7.57	City of Boardman	Negotiating
JOSEPH TAYLOR - DOUBLE T FARMING	77458 Threemile Rd Boardman, OR 97818		04N25E 11 TL 402	28.33	City of Boardman	Signed

**TABLE A CONTINUED**

Owner	Address/Phone#	Physical Address of Property	Map #/Tax Lot	Size (Acres)	Zoning/Jurisdiction	Easement Status
SAGE HOLLOW RANCH, LLC	3620 Independence Rd Sunnyside, WA 98944 (509)391-1111		04N25E 11 TL 500	10	EFU	Signed
SAGE HOLLOW RANCH, LLC	3620 Independence Rd Sunnyside, WA 98944 (509)391-1111	79252 Rippee Rd Boardman, OR 97818	04N25E 11 TL 600	41.5	EFU	Signed
SAGE HOLLOW RANCH, LLC	3620 Independence Rd Sunnyside, WA 98944	79269 Rippee Rd Boardman, OR 97818	04N25E 11 TL 900	30.71	FR2	Signed
SHOOK, EDWARD L	PO Box 185 Troutdale, OR 97050	79307 Root Ln Boardman, OR 97818	04N25E 11 TL 1100	12.06	FR2	Negotiating
RIEKKOLA FARMS, INC	PO Box 95 Boardman, OR 97818	79115 Root Ln Boardman, OR 97818	04N25E 11 TL 1200	10.03	FR2	Signed
PORT OF MORROW	P.O. Box 200 Boardman, OR 97818		04N25E 11 TL 1201	5.2	PI	Signed
PORT OF MORROW	P.O. Box 200 Boardman, OR 97818		04N25E 12 TL 200	20.83	PI	Signed
PORT OF MORROW	P.O. Box 200 Boardman, OR 97818		04N25E 12 TL 300	16.79	PI	Signed
CITY OF BOARDMAN	P.O. Box 229 Boardman, OR 97818 (541)481-9252		04N25E 12 TL 400	147.12	EFU	Signed
PORT OF MORROW	P.O. Box 200 Boardman, OR 97818		04N26E 07 TL 200	81.5	PI	Signed
TERRA POMA LAND, LLC	PO Box 862 1645 W. Orchard Ave, Hermiston, OR 97838 (541)567-1010 (541)571-1912	72063 Hwy 730, Irrigon OR 97844	04N26E 07 TL 201	2	EFU	Signed

## TABLE B

Subject Parcels (with addresses)

Owner	Address/Phone#	Physical Address of Property	Map #/Tax Lot	Size (Acres)	Zoning/Jurisdiction	Easement Status
SAGE HOLLOW RANCH, LLC	3620 Independence Rd Sunnyside, WA 98944 (509)391-1111		04N25E 11 TL 500	10	EFU	Signed
SAGE HOLLOW RANCH, LLC	3620 Independence Rd Sunnyside, WA 98944 (509)391-1111	79252 Rippee Rd Boardman, OR 97818	04N25E 11 TL 600	41.5	EFU	Signed
CITY OF BOARDMAN	P.O. Box 229 Boardman, OR 97818 (541)481-9252		04N25E 12 TL 400	147.12	EFU	Signed
TERRA POMA LAND, LLC	PO Box 862 1645 W. Orchard Ave Hermiston, OR 97838 (541)567-1010 (541)571-1912	72063 Hwy 730, Irrigon OR 97844	04N26E 07 TL 201	2	EFU	Signed



# Attachment B - 18

## EXHIBIT A

### VICINITY MAP

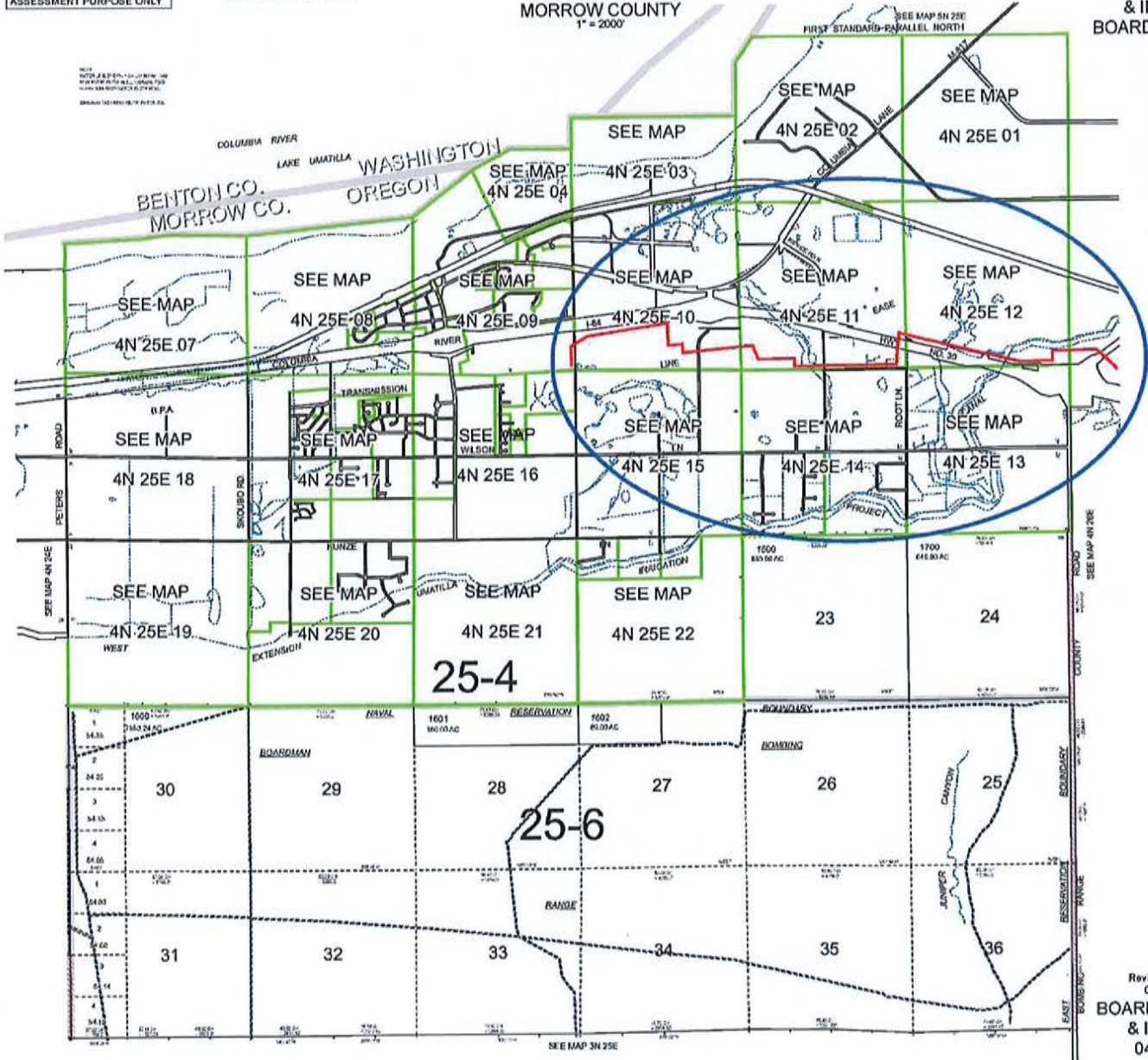
#### Proposed 230 kV Transmission Line

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



T.4N. R.25E. W.M.  
MORROW COUNTY  
1" = 2000'

04N25E  
& INDEX  
BOARDMAN

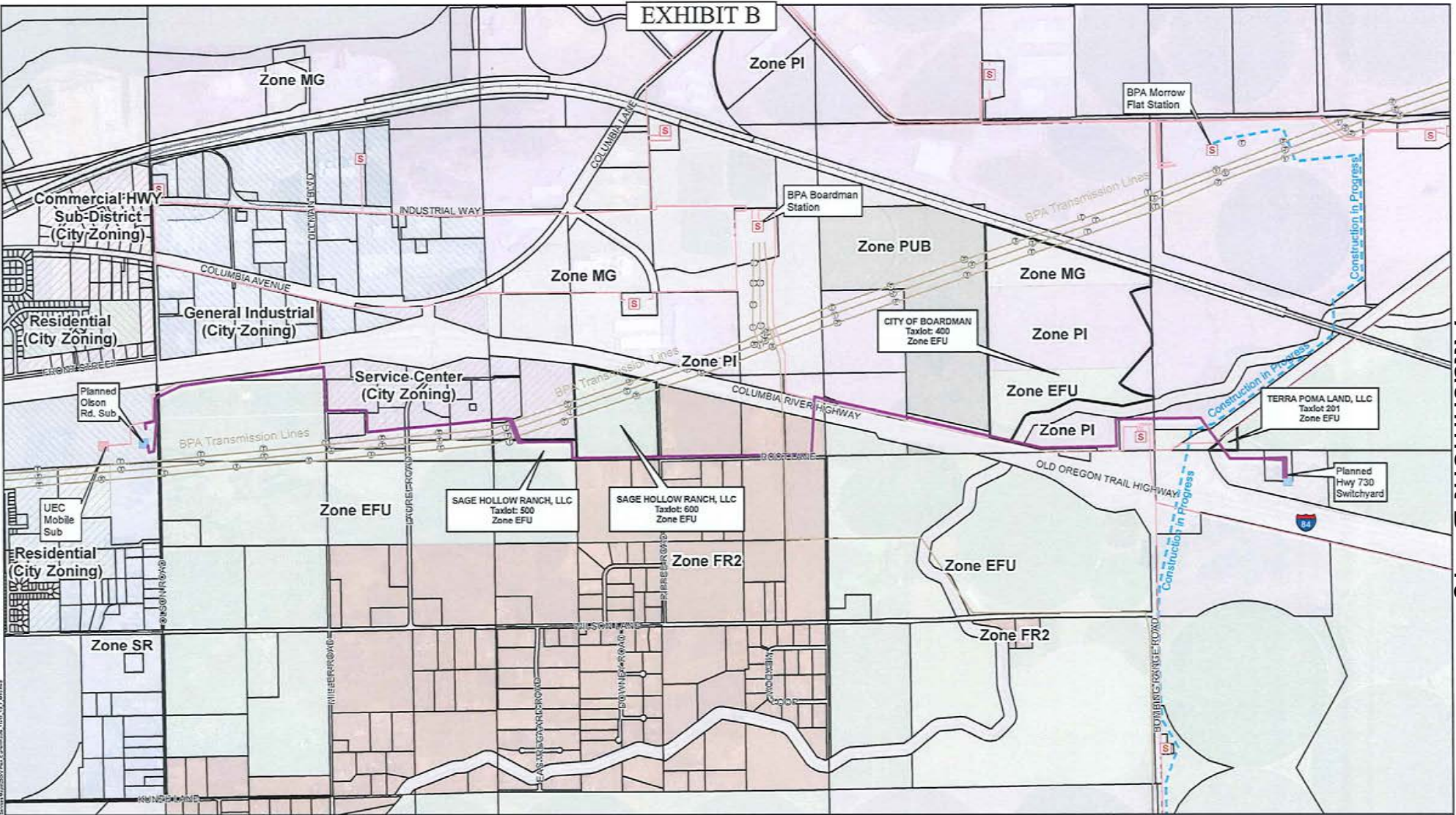


- Cancelled
- 100
- 1100
- 100
- 101
- 200
- 300
- 400
- 500
- 600
- 700
- 701
- 800
- 900
- 1000
- 1100
- 1200
- 1300
- 1400
- 1600

Revised: DWC  
06/18/2014  
BOARDMAN  
& INDEX  
04N25E



**EXHIBIT B**



Preferred Route	Railroads	230 kV Transmission Line (Construction in progress)
Planned Station	BPA Towers	BPA Transmission Lines
Morrow County Parcel Lines	Substations	UEC Transmission Lines

**ATOTH ASSOCIATES**  
 802 E. PARKWOOD, SUITE 200  
 SPRINGFIELD, MO 65764  
 PH: 417-886-8400 FAX: 417-886-8827  
 WWW.ATOTH.COM

DISCLAIMER: This exhibit is for informational purposes only, and should only be relied upon as such.

**UEC UMATILLA ELECTRIC COOPERATIVE**  
 A Truevision Energy Cooperative

**UMATILLA ELECTRIC COOPERATIVE**  
 HERMISTON, OREGON  
 OREGON 14, UMATILLA

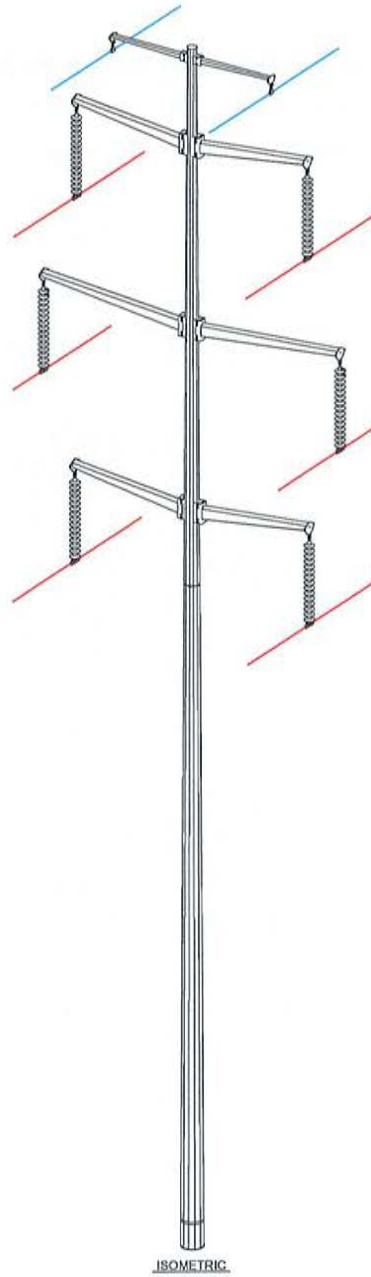
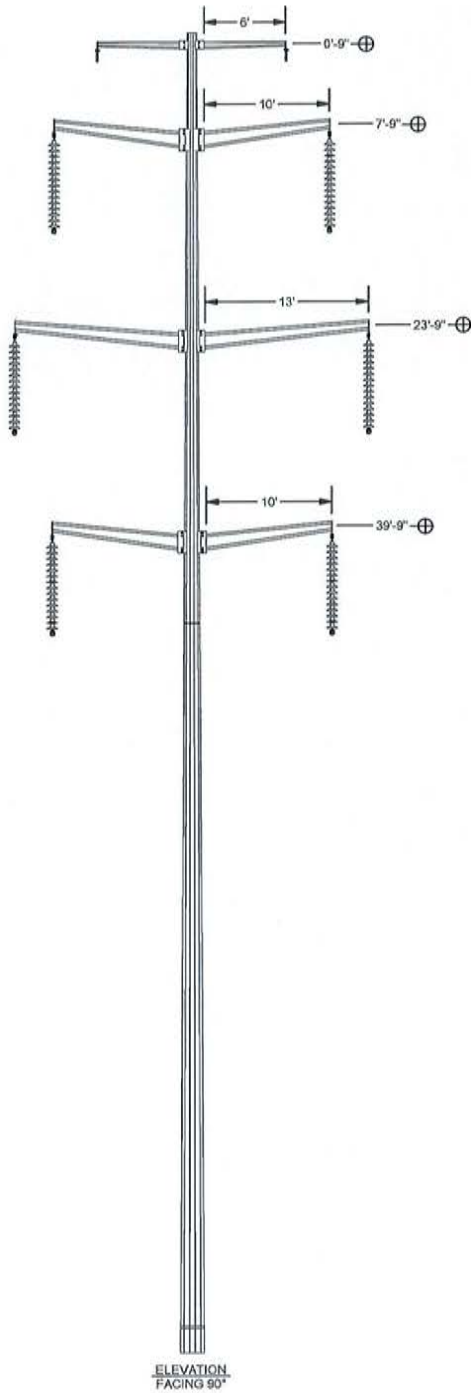
Olson Rd 230kV Planned Transmission Line

MAP BY: dhalley    Date: 2/27/2020    Map Number: M10

Scale: 1" = 1,000'    0 1,000 Feet

# Attachment B - 20

EXHIBIT C



DATE	REVISION	#	PROJECT
			OLSON RD 230KV TRANSMISSION LINE
			LOCATION: LA. 43 20127, LN. 413 660007 TO LA. 43 24101, LN. 119 813283, MORROW COUNTY, OR
			CLIENT: UMATILLA ELECTRIC COOPERATIVE HERMISTON, OREGON OREGON-14-UMATILLA
			DOUBLE CIRCUIT TANGENT
			TAN

**ATOTH**  
 & ASSOCIATES  
 8105 FAIRMOSE, SUITE 200  
 SPRINGFIELD, MO 65807  
 PH: 417-882-6443 FAX: 417-882-6437  
 www.atoth.com  
 CERTIFICATE OF AUTHORITY:  
 OIP Not Required  
 © 2017 ATOTH & ASSOCIATES, INC.

REV. NO. FILE  
 001 01  
 JLB  
 01.03.20



## **Exhibit D**

# **Landowner Consent Documentation**

# Attachment B - 22

AFTER RECORDING RETURN TO:

Umatilla Electric Cooperative  
P.O. Box 1148  
Hermiston, OR 97838

UEC REFERENCE: Tax Lots 500, 600 & 900

MORROW COUNTY, OREGON **2019-45212**  
E-EAS  
Cnt=1 Stn=23 TC **10/17/2019 10:34:26 AM**  
\$55.00 \$11.00 \$60.00 \$10.00 **\$136.00**



I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the Instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk



## MEMORANDUM OF EASEMENT OPTION AGREEMENT

BETWEEN: Sage Hollow Ranch, LLC ("Grantor")  
3620 Independence Rd.  
Sunnyside, WA 98944

AND: Umatilla Electric Cooperative ("Grantee")  
P.O. Box 1148  
Hermiston, OR 97838

Pursuant to a Utility Line Option and Easement Agreement dated 10/8, 2019, ("Option Agreement"), Grantor granted to Grantee an option to purchase an easement, described in the attached Exhibit A, for utility purposes on certain property in Morrow County, Oregon ("Property"), more particularly described as:

Parcel 1 and Parcel 2 of the property located in Section 11, Township 4 North, Range 25 East of the Willamette Meridian, in Morrow County, Oregon, described as recorded in Morrow County Public Records on December 2, 2011, as instrument number 2011-29237

ALSO, Parcel 5 of the property located in Section 11, Township 4 North, Range 25 East of the Willamette Meridian, in Morrow County, Oregon, described as recorded in Morrow County Public Records on January 31, 2011 as instrument number 2011-27546:

The Property is subject to the terms and conditions of the Option Agreement, for a term commencing \_\_\_\_\_ and terminating \_\_\_\_\_, subject to Grantee's right to extend the term for four additional one-year periods as set forth in the Option, after which it will be of no further force or effect.

A complete copy of the Option Agreement may be obtained from Grantor or Grantee.

This Memorandum is being executed and recorded in the Official Records of Morrow County, Oregon, to give notice of the provisions of the Option Agreement and will not be deemed or construed to define, limit, or modify the Option Agreement in any manner.



Attachment B - 24

Made and dated this 20<sup>th</sup> day of Sept., 2019 (the "Effective Date").

Sage Hollow Ranch, LLC, GRANTOR  
John Bosma, member/manager

John Bosma  
Signature

**ACKNOWLEDGEMENT**

State of Washington

§§

County of Yakima

This certifies that on this 20<sup>th</sup> day of Sept., 2019, before me the undersigned personally appeared the above-named **John Bosma**, member/manager of **Sage Hollow Ranch, LLC**, on behalf of the company, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same.

Gene M. Hall

My Commission Expires 12/23/22









UMATILLA ELECTRIC COOPERATIVE, GRANTEE

Sonja Bogart  
Signature

Sonja Bogart  
Printed Name

COO  
Title

**ACKNOWLEDGEMENT**

State of Oregon )  
 ) SS.  
County of Umatilla )

This certifies that on this 8<sup>th</sup> day of October, 2019, before me the undersigned personally appeared the above named Sonja Bogart, on behalf of **UMATILLA ELECTRIC COOPERATIVE**, in his/her capacity as Chief Operating Officer, known to me to be the person who executed the foregoing instrument and acknowledged to me that they executed the same.

Wendy Neal

My Commission Expires Jan 29, 2022

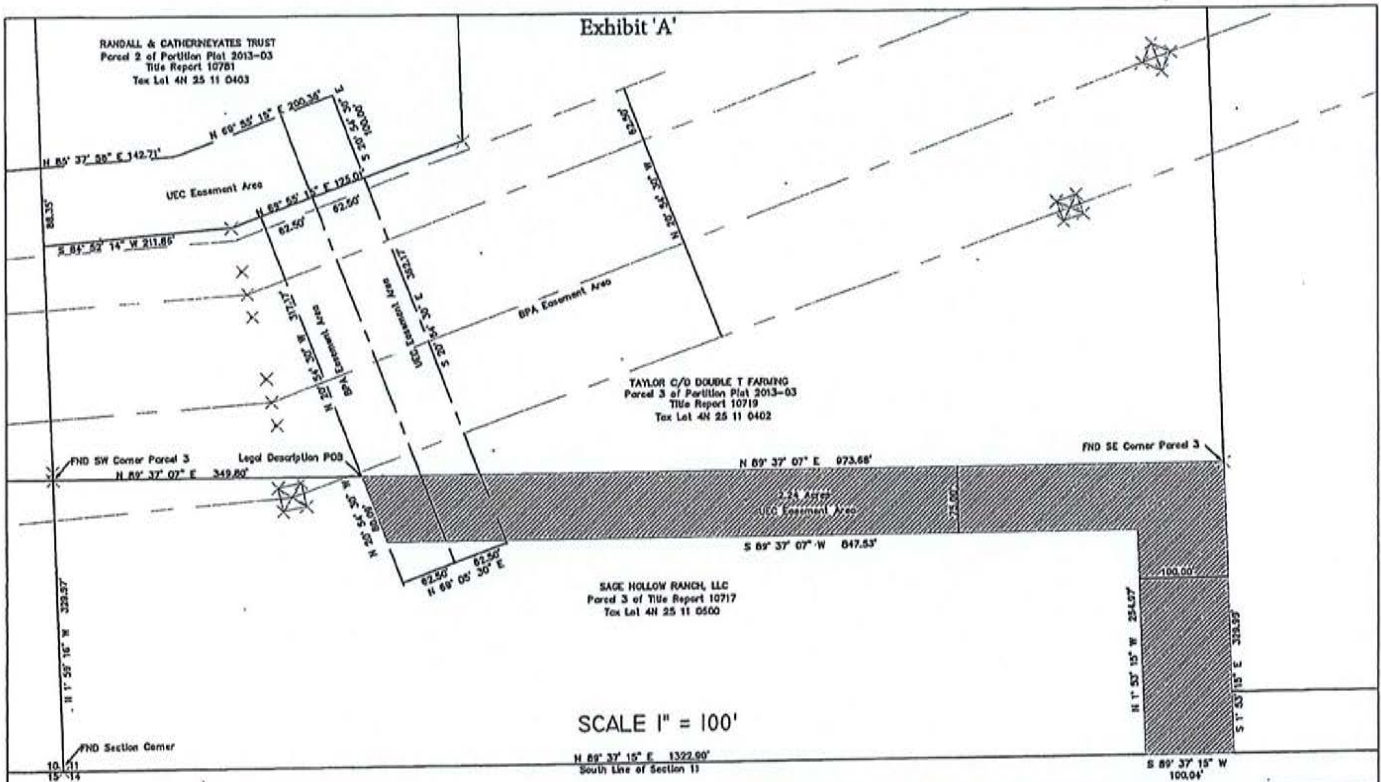
# Attachment B - 27

Exhibit 'A'  
Sage Hollow Ranch, LLC  
Easement Legal Description:

A 100 foot wide strip of land and a 75 foot wide strip of land located in the Southwest Quarter of the Southwest Quarter of Section 11, Township 4 North, Range 25, East of the Willamette Meridian, in the County of Morrow and State of Oregon, more particularly described as follows:  
Commencing at the Southwest Corner of said Section 11; thence North 1° 59' 16" West a distance of 329.97 feet to the Southwest corner of Parcel 3 of Partition Plat 2013-3, as filed in the files of Partition Plats of Morrow County; thence North 89° 37' 07" East along the South line of said Parcel 3 a distance of 349.80 feet to the Point of Beginning of this Easement Description; thence continuing North 89° 37' 07" East along the South line of said Parcel 3 a distance of 973.68 feet to the East line of said Southwest Quarter of the Southwest Quarter of Section 11; thence South 1° 53' 15" East a distance of 329.99 feet to the South line of said Section 11; thence South 89° 37' 15" West along the South line of said Section 11 a distance of 100.04 feet; thence North 1° 53' 15" West a distance of 254.97 feet; thence South 89° 37' 07" West a distance of 847.53; thence North 20° 54' 30" West a distance of 80.09 feet to the Point of Beginning.







For:  
*Umatilla Electric Cooperative*  
 P.O. Box 1148  
 Hermiston, OR 97838

Rev. 09-16-2019

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
  
 OREGON  
 RONALD V. MCKINNIS  
 JAN 25, 1989  
 2431  
 Expires 12-31-20

ENGINEERING - LAND SURVEYING - WATER RIGHTS  
**R. V. MCKINNIS ENGINEERING**  
  
 79980 Prindle Loop Road  
 Hermiston, Oregon 97838  
 (541)-567-2017

# Attachment B - 29

Exhibit 'A'  
Sage Hollow Ranch, LLC  
Easement Legal Description:

A 70 foot wide strip of land located in the Southwest Quarter of the Southeast Quarter of Section 11, Township 4 North, Range 25, East of the Willamette Meridian, in the County of Morrow and State of Oregon, more particularly described as follows:  
The Southerly 70 feet the Southwest Quarter of the Southeast Quarter of said Section 11;  
EXCEPTING any and all road rights of way.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
RONALD V. MCKINNIS  
JAN. 23, 1990  
2431

Expires 12-31-20

Exhibit 'A'

SAGE HOLLOW  
Parcel 5 of Title Report 10717  
Tax Lot 4N 25 11 0900  
Southwest Quarter of Southeast Quarter  
SECTION 11

S 88° 53' 00" W 1296.79'

2.06 Acres  
USC Easement Area

N 88° 53' 00" E 1296.60'

ROOT LANE

RIPPEE ROAD

N 1° 47' 04" W

70.02'

14' 20"

FND 1/4 Section Corner

RIPPEE ROAD

S 1° 37' 18" E

70.00'

SCALE 1" = 100'

For:

*Umatilla Electric Cooperative*  
P.O. Box 1148  
Hermiston, OR 97838

Rev. 09-16-2019



ENGINEERING - LAND SURVEYING - WATER RIGHTS  
**R. V. McKINNIS ENGINEERING**  
 79980 Prindle Loop Road  
 Hermiston, Oregon 97838  
 (541) -567-2017



# Attachment B - 31

Exhibit 'A'  
Sage Hollow Ranch, LLC  
Easement Legal Description:

A 70 foot wide strip of land located in the Southeast Quarter of the Southwest Quarter of Section 11, Township 4 North, Range 25, East of the Willamette Meridian, in the County of Morrow and State of Oregon, more particularly described as follows:

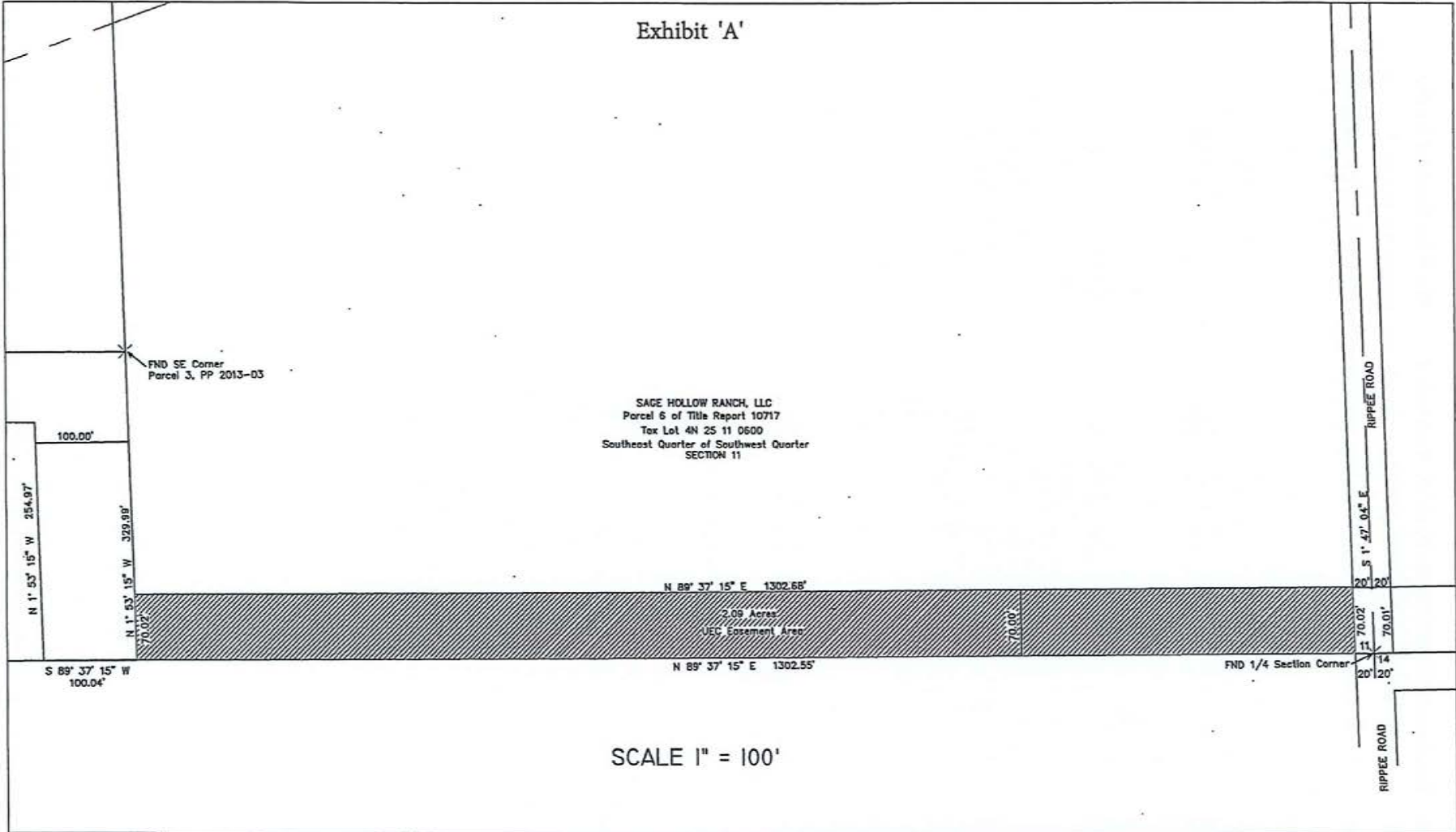
The Southerly 70 feet the Southeast Quarter of the Southwest Quarter of said Section 11;  
EXCEPTING any and all road rights of way.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
RONALD V. McKINNIS  
JAN. 23, 1990  
2431

Expires 12-31-20

Exhibit 'A'



SCALE 1" = 100'

For:

*Umatilla Electric Cooperative*  
 P.O. Box 1148  
 Hermiston, OR 97838

Rev. 09-16-2019

REGISTERED PROFESSIONAL LAND SURVEYOR



OREGON  
 RONALD V. MCKINNIS  
 JAN. 23, 1999  
 2431  
 Expires 12-31-20

ENGINEERING - LAND SURVEYING - WATER RIGHTS

**R. V. MCKINNIS ENGINEERING**

79980 Prindle Loop Road  
 Hermiston, Oregon 97838  
 (541) 567-2017





# Attachment B - 33

## RECORDING COVER SHEET (Please Print or Type)

The information on this sheet is a reflection of the attached instrument for the purpose of meeting first page requirements, ORS 205.234.

If this cover page is included with your document, please add \$5.00 to the total recording fees.

MOTC-ACCOM

### AFTER RECORDING RETURN TO:

City of Boardman  
200 City Center Circle, PO Box 229  
Boardman, OR 97818

MORROW COUNTY, OREGON **2019-45626**  
E-EAS **12/17/2019 11:46:02 AM**  
Cnt=1 Stn=23 TC  
\$35.00 \$11.00 \$10.00 \$60.00 **\$116.00**

I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk



### 1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

UEC and City of Boardman Easement of Township 4 North, Range 25 East of the Willamette Meridian, Section 12, M2002-3060

### 2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

City of Boardman

### 3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

Umatilla Electric Co-Op

### 4) TRUE AND ACTUAL CONSIDERATION

ORS 93.030(5) - Amount in dollars or other

\$ \_\_\_\_\_  Other

### 5) SEND TAX STATEMENTS TO:

### 6) SATISFACTION of ORDER or WARRANT

ORS 205.125(1)(e)

CHECK ONE:  FULL  
(If applicable)  PARTIAL

### 7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)

\$ \_\_\_\_\_

### 8) If this instrument is being re-recorded, complete the following statement, in accordance with ORS 205.244:

"Re-recorded at the request of \_\_\_\_\_ to correct

\_\_\_\_\_ previously recorded in Book \_\_\_\_\_ and page \_\_\_\_\_, or as Fee Number \_\_\_\_\_."



# Attachment B - 34

AFTER RECORDING, RETURN TO:

Umatilla Electric Cooperative  
P.O. Box 1148  
Hermiston, Oregon 97838

UEC REF: Tax Lot 400

## EASEMENT

City of Boardman, a municipal corporation, Grantor, for good and valuable consideration, receipt of which is hereby acknowledged, grants to Umatilla Electric Cooperative, an Oregon cooperative corporation, Grantee, and to its licensees, successors or assigns, a perpetual and non-exclusive easement and right of way, the purpose of which is to construct, operate, maintain, repair and replace utility lines and facilities, including, but not limited to, lines for the transmission or distribution of electrical power, telephone lines, television and communication lines, or any related system and facilities on, across, over, or under a strip of land 100 feet wide located on property described below:

Township 4 North, Range 25 East of the Willamette Meridian, Section 12, and more particularly described in a deed recorded in Morrow County on January 3<sup>rd</sup>, 2002, as M2002-3060, Morrow County Records Office in Morrow County, State of Oregon.

See Exhibit "A" for Easement Legal Description and depiction of easement area.

Grantor further grants the right to inspect and make repairs, changes, alterations, improvements, removals from, substitutions and additions to the facilities as Grantee may from time to time deem advisable, including, by way of example and not by way of limitation, the right to increase or decrease the number of conduits, wires, cables, handholes, manholes, connection boxes, transformers and transformer enclosures; to cut, trim and control the growth by chemical means, machinery or otherwise of trees, shrubbery and vegetation located within the easement area (including any control of the growth of other vegetation in the easement area which may incidentally and necessarily result from the means of control employed); to fell or trim any trees or brush located on Grantor's land adjoining the above described easement area which may pose a hazard to the operation of the facilities within the easement area; to keep the easement clear of all buildings, structures or other obstructions; to license, permit or otherwise agree to the joint use or occupancy of the lines, system or, if any of said system is placed underground, of the trench and related underground facilities, by any other person, association or corporation; and to cross over and to install guys and anchors on Grantor's land adjoining the above described easement area.

Grantor agrees that all poles, wires and other facilities including any equipment, installed in, upon or under the above-described lands at the Grantee's expense shall remain the property of the Grantee, removable at the option of the Grantee.

Because governmental approvals may be necessary from the land owning Grantor for Grantee to use the easement, Grantor appoints Grantee as Grantor's attorney in fact, agent, and authorized representative, to make and progress on Grantor's behalf, any and all land use and regulatory requests, and to make applications and requests to governmental entities and agencies, so Grantee may make use of this easement and its rights, including but not limited to the following: (1) applying for conditional use permits and progressing those applications through to completion and any modifications thereof, including defending the applications and appealing adverse decisions; and (2) applying for any other necessary governmental and administrative approvals and progressing them through to completion and any modifications thereof, including defending the applications and appealing adverse decisions. Grantor agrees not to make any objections to the above applications, or to oppose them in any way at any time. Grantor may not revoke these appointments during the effective period of this easement. All Grantee's applications and work shall be at its sole cost and expense.

# Attachment B - 35

Grantor covenants that it is the owner of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following person: Easement; Microfilm No. M-46988, Morrow County Microfilm Records.

SIGNATURE PAGES TO FOLLOW

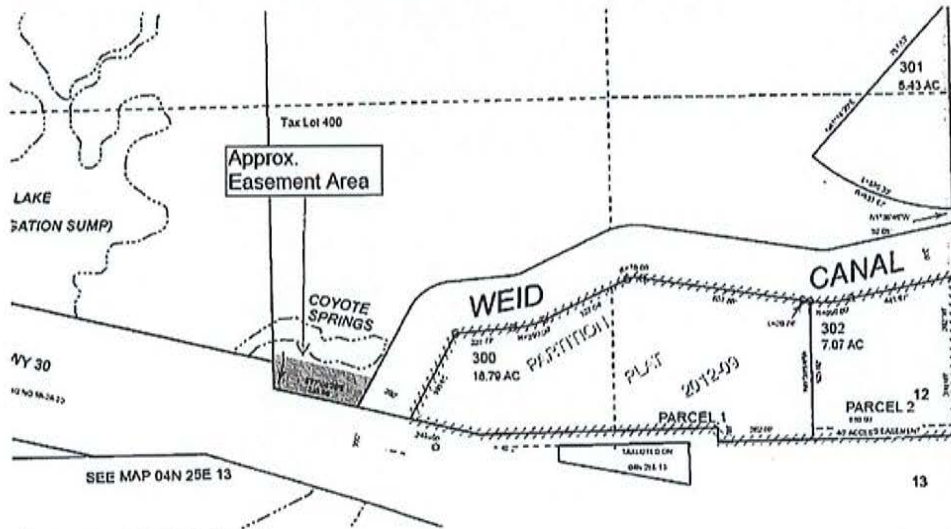
# Attachment B - 36

## EXHIBIT "A" City of Boardman Easement Legal Description:

A strip of land 100 feet in width along the southern border of Tax Lot number 400, described as follows:

A parcel of land located in Section 12 of Township 4 North, Range 25 East of the Willamette Meridian, in the County of Morrow and State of Oregon, being more particularly described as recorded in Morrow County Public Records on January 4, 2002 as document number 2002-3060:

COMMENCING at the Southeast corner of Section 12, of Township 4 North, Range 25 East of the Willamette Meridian in Morrow County; thence North  $1^{\circ} 36' 46''$  West along the East Line of said Section 12, a distance of 756.32 feet to the North right of way line of the West Extension Irrigation District Canal and True Point of Beginning of this description; thence continuing North  $01^{\circ} 36' 46''$  West along the East line of said Section 12, a distance of 52.05 feet to the outer edge of an irrigation circle with a radius of 881.67 feet; thence Northwest along the perimeter of said 881.67 foot circle a distance of 595.32 feet through an arc of  $38^{\circ} 41' 13''$  of which the cord of said arc bears North  $67^{\circ} 49' 18''$  West a distance of 583.07 feet; thence North  $41^{\circ} 14' 20''$  East, a distance of 787.52 feet to the intersection of the East Section line of said Section 12; thence North  $1^{\circ} 36' 46''$  West along said East line of Section 12 a distance of 202.22 feet; thence North  $27^{\circ} 17' 15''$  West a distance of 733.88 feet to the perimeter of an 881.67 foot circle; thence Northeast along the arc of said 881.67 foot circle a distance of 331.00 feet through an arc of  $21^{\circ} 30' 36''$  whose chord bears North  $72^{\circ} 46' 11''$  East and a distance of 328.32 feet to the intersection of the East line of said Section 12; thence along the East line of said Section 12 North  $1^{\circ} 36' 46''$  West a distance of 132.88 feet to the South right of way line of the Union Pacific Railroad mainline; thence North  $72^{\circ} 08' 58''$  West along said South right of way line of the Union Pacific Railroad a distance of 2790.73 feet to North-South center line of said Section 12; thence South  $1^{\circ} 38' 29''$  East along the said North-South centerline of Section 12, a distance of 3454.68 feet to the North Right of way of Interstate Highway No. 84; thence South  $77^{\circ} 06' 26''$  East along the North right of way of Interstate No. 84 a distance of 290.98 feet to the intersection with the North right of way of the West Extension Irrigation District Canal; thence Northeast along the North right of way of the West Extension Irrigation District Canal to the Point of Beginning of this description. Said parcel containing 147.12 Acres.



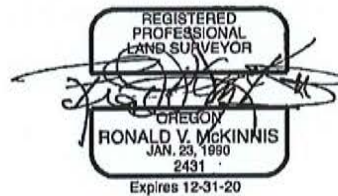


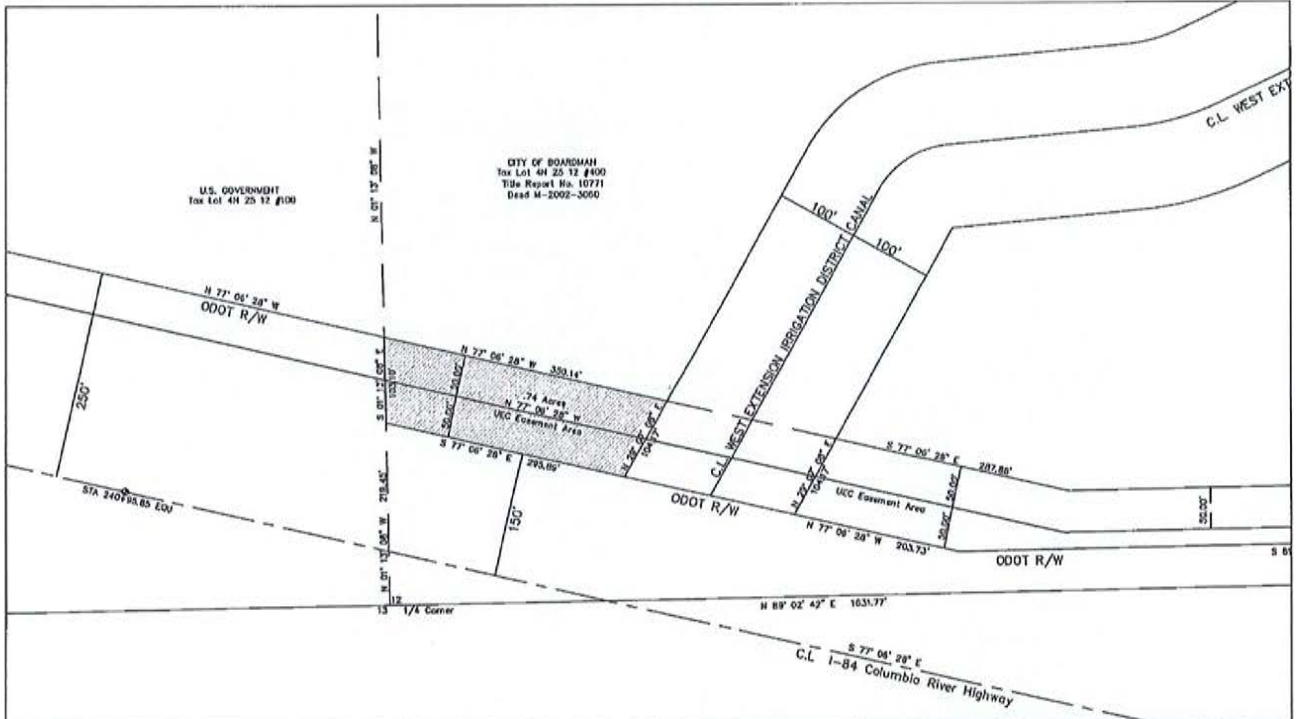
# Attachment B - 37

Exhibit 'A'  
City of Boardman  
Tax Lot 4N 25 12 #400  
Easement Legal Description:

A 100 foot wide strip of land located in the Southwest Quarter of the Southeast Quarter of Section 12, Township 4 North, Range 25, East of the Willamette Meridian, in the County of Morrow and State of Oregon, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 12; thence North 1° 13' 08" West, along the Center Section Line of said Section 12, a distance of 219.45 feet to a point on the North right of way line of Interstate 84, AKA Columbia River Highway and True Point of Beginning of this description; thence South 77° 06' 28" East along the said North right of way line a distance of 295.89 feet to a point on the intersection with the West right of way line of the West Extension Irrigation District Canal; thence North 29° 07' 08" East along the said West right of way line of said Canal, a distance of 104.17 feet; thence North 77° 06' 28" West a distance of 350.14 feet to the Center Section line of said Section 12; thence South 01° 13' 08" East along the said center Section line of said Section 12 a distance of 103.10 feet to the Point of Beginning.





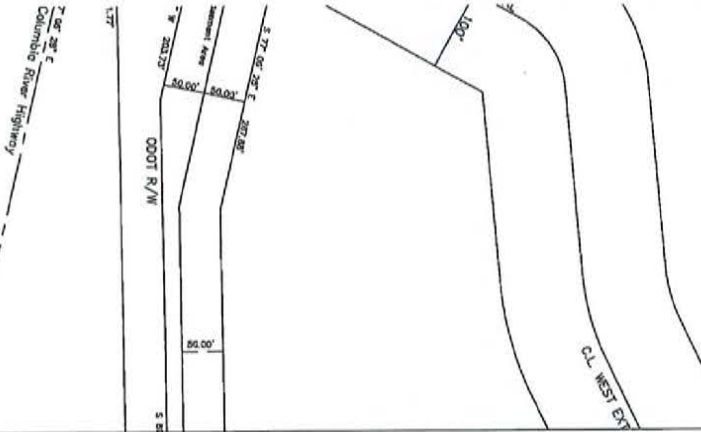
For: *Umatilla Electric Cooperative*  
 P.O. Box 1148  
 Hermiston, OR 97838

Rev. 11-21-2019



ENGINEERING - LAND SURVEYING - WATER RIGHTS  
**R. V. McKINNIS ENGINEERING**  
 79980 Prindle Loop Road  
 Hermiston, Oregon 97838  
 (541) -567-2017

ENGINEERING - LAND SURVEYING - WATER RIGHTS  
**R. V. McKINNIS ENGINEERING**  
 79980 Prindle Loop Road  
 Hermiston, Oregon 97838  
 (541) -567-2017





# Attachment B - 39

Dated this 3<sup>rd</sup> day of December, 2019.

CITY OF BOARDMAN, GRANTOR

Signature *Sandra F. Toms*

Printed Name Sandra F. Toms

Title of Officer Mayor

### ACKNOWLEDGEMENT

State of Oregon )  
County of Macrow ) SS

This certifies that on this 3<sup>rd</sup> day of December, 2019, before me the undersigned personally appeared the above named Sandra F. Toms, who is the Mayor for the City of Boardman, on behalf of the corporation, known to me to be the identical person described in and who executed the foregoing instrument and acknowledged to me that they executed the same.



*Toni Renea Connell*

My Commission Expires May 30, 2020

# Attachment B - 40

## Consent to Land Use Application

This document serves as notice that Terra Poma Land, LLC, as owner of the real property commonly known as Tax ID: T04N R26E Section 07 Tax Lot 201, and as more particularly described below, expressly gives permission for Umatilla Electric Cooperative to file a land use application with the County of Morrow for permits necessary for the construction of a proposed transmission line and related facilities that may pass upon its Property.

### Property Description

Property Location:	Directly east of Hwy 730 at I-84 in Morrow County OR. (See attached)
Landowner(s) in Title:	Terra Poma Land, LLC
Assessor's Tax Map Description:	04N26E07 Section 07 Tax Lot 201
Landowner Mailing Address:	PO Box 862 Hermiston OR 97838
Landowner Telephone No:	[if known]

Terra Poma Land, LLC

Owner

  
Authorized Agent Name (printed)

Ken Vandewest  
Authorized Agent Signature

1/16/2020  
Date

# Attachment B - 41

Morrow County

Authorization to File a  
Land Use Permit  
Application

Attachment

County Assessor's Map:

Township	Range	Section	Subsection	Tax Lot
4N	26E	07		201

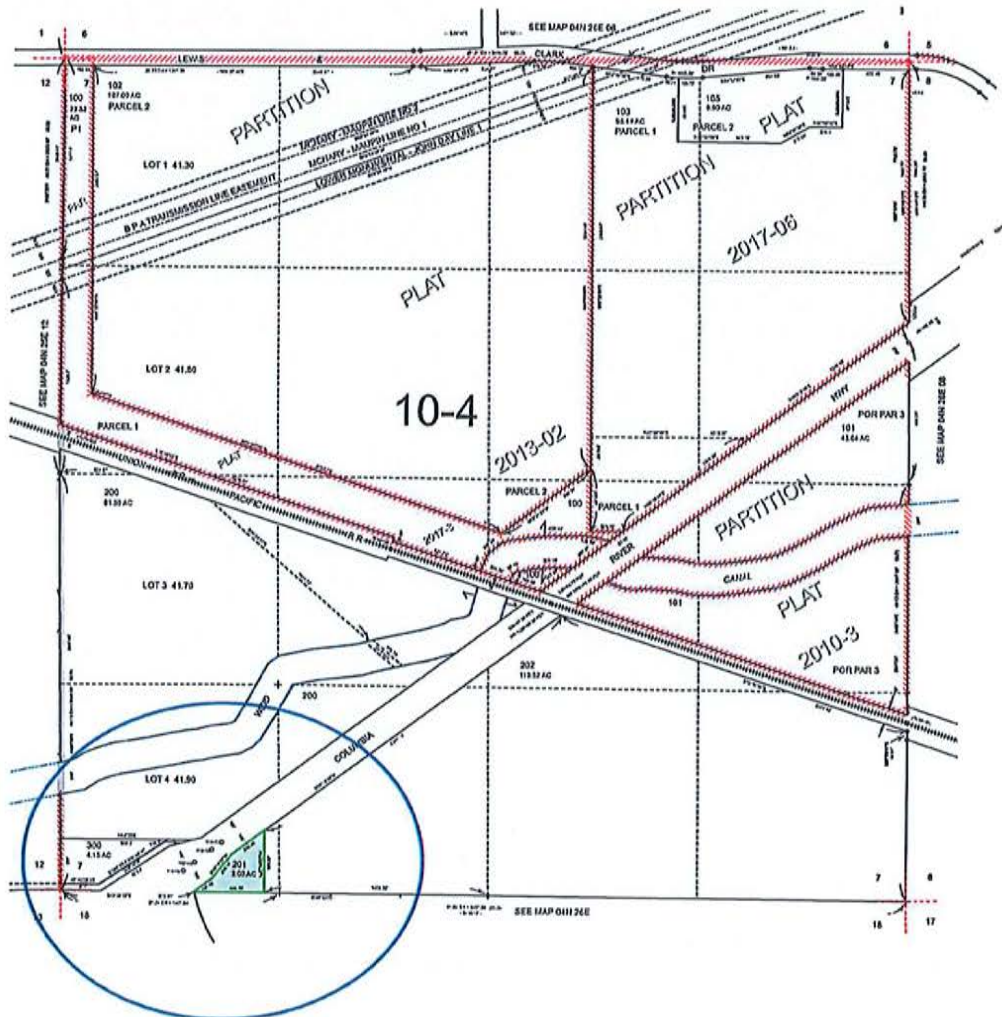
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



SECTION 7 T.4N. R.26E. W.M.  
MORROW COUNTY  
1" = 400'

04N26E07

Cancelled  
104



Revised: EB  
01/15/2018

04N26E07



## [OAR 860-001-0300](#)

This document is current through changes published in the May 4, 2020 Oregon Bulletin

*OR - Oregon Administrative Rules > CHAPTER 860 PUBLIC UTILITY COMMISSION > DIVISION 1 GENERAL*

### **860-001-0300 Practice Before the Commission**

---

Participation in Contested Case and Declaratory Ruling Proceedings; Intervention

(1) Under [ORS 774.180](#), the Citizens Utility Board has the right to intervene in any Commission proceedings by filing a notice of intervention that includes the names and addresses of the representatives to be included on the service list.

(2) Any other person may file a petition to intervene in contested case proceedings before the Commission. A sample petition to intervene forms may be obtained by contacting the Administrative Hearings Division at

[puc.hearings@state.or.us](mailto:puc.hearings@state.or.us)

or (503) 378-6678. The petition to intervene must contain the following information:

- (a) The petitioners name and contact information, including telephone number, physical address, and electronic mail address;
- (b) The name and contact information of the petitioners attorney or authorized representative, including telephone number, physical address, and electronic mail address;
- (c) If the petitioner is an organization, the number of members in and the purpose of the organization;
- (d) The nature and extent of the petitioners interest in the proceedings;
- (e) The issues petitioner intends to raise at the proceedings; and
- (f) Any special knowledge or expertise of the petitioner that would assist the Commission in resolving the issues in the proceedings.

(3) Staff and parties named in the pleading initiating Commission action are original parties and need not petition to intervene. All original parties must provide the Commission with the names and contact information, including telephone number, physical address, and electronic mail address, of the party representatives to be included on the service list.

(4) Any person may file a petition to intervene in declaratory ruling proceedings before the Commission. In addition to the requirements in section (2) of this rule, the petition to intervene must also state whether the intervenor accepts:

- (a) The statement of facts as set forth in and for the purposes of the petition for declaratory ruling; and
- (b) The statement of the questions presented in the petition for declaratory ruling.

(5) A party may object to a petition to intervene. Objections must be filed within 10 days of the filing of the petition to intervene unless otherwise directed by an ALJ. The petitioner may file a reply to an objection within 7 days of the filing of the objection.

(6) If the Commission or ALJ finds the petitioner has sufficient interest in the proceedings and the petitioner's appearance and participation will not unreasonably broaden the issues, burden the record, or delay the proceedings, then the Commission or ALJ must grant the petition. The Commission or ALJ may impose appropriate conditions upon any intervenor's participation in the proceedings, such as restricted access to confidential information. The ALJ may rule on a petition to intervene at a prehearing conference.

(7) A person may ask to be listed as an "interested person" in a particular proceeding. An interested person receives electronic mail notifications of filings made and documents issued by the Commission or ALJ in that particular proceeding. An interested person is not a party to the proceeding, and is not entitled to file pleadings, present evidence for the record, conduct cross-examination of witnesses, become a signatory to a protective order, or file briefs.

## Statutory Authority

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Statutory/Other Authority: [ORS 756.040](#), [756.060](#)

Statutes/Other Implemented: [ORS 183.417](#), [756.040](#), [756.500](#) 756.575

## History

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History: PUC 5-2010, f. & cert. ef. 10-22-10 ; PUC 1-2015, f. & cert. ef. 3-3-15

OREGON ADMINISTRATIVE RULES

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## [ORS § 756.525](#)

The Oregon Annotated Statutes is current through the 2019 and 2020 Regular Session. Some sections may have multiple variants due to amendments by multiple acts. Revision and codification by the Legislative Counsel are updated as available, see ORS 173.111 et seq. For sections pending codification by the Legislative Counsel, see Newly Added Sections in the Table of Contents.

*LexisNexis® Oregon Annotated Statutes > Title 57 Utility Regulation (Chs. 756 — 775) > Chapter 756- Public Utility Commission (§§ 756.010 — 756.990) > Hearing Procedure (§§ 756.518 — 756.610)*

### **756.525 Parties to proceedings.**

---

(1)The Public Utility Commission may permit any person to become a party who might, on the institution of the proceeding, have been such a party, if application therefor is made before the final taking of evidence in the proceeding.

(2)At any time before the final taking of evidence in a proceeding, any person may apply to the commission for permission to appear and participate in the proceeding. The commission shall determine the interest of the applicant in the proceeding and shall grant the application, subject to appropriate conditions, if the commission determines that such appearance and participation will not unreasonably broaden the issues or burden the record, and otherwise may deny the application.

(3)This section does not apply to any person who might have been an original party in a proceeding before the commission if that person is required by statute to file a pleading or other response in the proceeding within a specified time.

### **History**

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1971 c.655 § 42.

Annotations

### **Opinion Notes**

---

#### **OPINIONS OF ATTORNEY GENERAL**

No. OP-6249,.

### **State Notes**

**SUPPLEMENTARY ANNOTATIONS:**

---

**NOTES OF DECISIONS**

Under regulatory scheme, Public Utility Commissioner has authority to promulgate rule limiting telephone company's liability for directory listing errors or omissions. [\*Garrison v. Pacific NW Bell\*, 45 Or App 523, 608 P2d 1206 \(1980\)](#)

**Research References & Practice Aids**

---

**PERMANENT EDITION ANNOTATIONS:****LAW REVIEW CITATIONS:**

1 WLJ 211.

LexisNexis® Oregon Annotated Statutes  
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## eDockets

Docket Summary

[Return to Search Page](#)

[eFiling](#)

**Docket No:** PCN 1

**Docket Name:** UMATILLA ELECTRIC COOPERATIVE CERTIFICATION OF PUBLIC CONVENIENCE AND NECESSITY

[Print Summary](#)

\* This docket is a contested case. See the [Internal Operating Guidelines](#) and [OAR 860-001](#)

**Subject Company:** [UMATILLA ELECTRIC COOPERATIVE ASSN](#)

In the Matter of UMATILLA ELECTRIC COOPERATIVE, Petition for Certification of Public Convenience and Necessity; Filed by Tommy Brooks.

**Filing Date:** 8/19/2016

**Order:** [17-111](#)

**Order Signed:** 3/21/2017

If you experience problems with the *above* 'Email Service List' links, please try one of these:

[Service List Popup \(semi-colon delimited\)](#) [Service List Popup \(comma delimited\)](#)

### [ACTIONS](#)

### [SERVICE LIST](#)

### [SCHEDULE](#)

[Sort By Date](#) [Sort By Type](#)

**Date:** 5/18/2017 **Action:** OTHER CORRESPONDENCE (ACKN, SVC, LTR)



**Description**

Last used service list.

**Date:** 3/21/2017 **Action:** ORDER



**Order No:** 17-111

**Description**

Order No. 17-111, signed by Commissioners Lisa D. Hardie, John Savage, and Stephen Bloom; DISPOSITION: PETITION GRANTED. Copies served electronically 3/22/17 and via U.S. Mail to those without email addresses 3/23/17.

**Date:** 1/23/2017 **Action:** OTHER FILING/PLEADING



**Description**

STAFF's Declaration of Scott Gibbens; Filed by Pamela Rojek.

**Date:** 1/11/2017 **Action:** BRIEF



**Description**

UMATILLA's Post-Hearing Brief; Filed by Tommy A. Brooks.

**Date:** 1/11/2017 **Action:** BRIEF



**Description**

STAFF's Brief; Filed by Johanna Riemenschneider.

**Date:** 1/11/2017 **Action:** TESTIMONY & EXHIBITS



**Description**

STAFF's Errata Exhibit 200 and supplemental Exhibit 205; Filed by Johanna Riemenschneider. (See also 1/11/17 Motion for Leave to Supplement the Record).

**Date:** 1/11/2017 **Action:** MOTION



**Description**

STAFF's Motion for Leave to Supplement the Record; Filed by Johanna Riemenschneider, (Errata Exhibit Staff/200 and supplemental Exhibit Staff/205 docketed and posted separately).

**Date:** 12/13/2016      **Action:** TESTIMONY & EXHIBITS



**Description**

ALJ Patrick Power's Exhibit List from December 12, 2016 Hearing. Copies served electronically only 12/13/16.

**Date:** 12/9/2016      **Action:** LAW JUDGE CORRESPONDENCE



**Description**

ALJ Patrick Power's response to UMATILLA ELECTRIC Counsel's email correspondence regarding hearing format; Copies served electronically only by AHD 12/9/16.

**Date:** 12/8/2016      **Action:** OTHER FILING/PLEADING

**Description**

UMATILLA ELECTRIC Counsel's email correspondence to ALJ Patrick Power regarding upcoming hearing; Rec'd electronically 12/8/16. Copies served electronically only by AHD 12/9/16. (See ALJ Correspondence 12/9/16 docket entry for electronic version).

**Date:** 12/1/2016      **Action:** COMMENTS/RESPONSE



**Description**

Clarence and Geraldine Charlo's additional Comments. Rec'd electronically 12/1/16.

**Date:** 11/30/2016      **Action:** LAW JUDGE RULING/MEMORANDA



**Description**

ALJ Patrick Power issues Ruling; DISPOSITION: MOTION DENIED. Copies served electronically 11/30/16 and via U.S. Mail to those without email addresses on 11/30/16 with copy of 11/23/16 Motion.

**Date:** 11/28/2016      **Action:** OTHER CORRESPONDENCE (ACKN, SVC, LTR)

**Description**

Updated contact information for Anacapa Land Company and mailed notices to Calpine as their representative.

**Date:** 11/28/2016      **Action:** MOTION



**Description**

STAFF's Motion to Admit Pre-Filed Testimony, with supporting Affidavits of Geoffrey Ihle and Scott Gibbens; Filed by Johanna M. Riemenschneider.

**Date:** 11/23/2016      **Action:** MOTION



**Description**

Parties' Joint Motion to Modify Procedural Schedule; Filed by Tommy A. Brooks. Copies served electronically by AHD on 11/23/16 and via U.S. Mail to those without email addresses on 11/30/16 with 11/30/16 Ruling.

**Date:** 11/22/2016      **Action:** CROSS EXAM STATEMENT



**Description**

UMATILLA ELECTRIC's Cross Examination Statement; Filed by Tommy A. Brooks.

**Date:** 11/22/2016      **Action:** CROSS EXAM STATEMENT



**Description**

STAFF's Cross Examination Statement; Filed by Johanna Riemenschneider.

**Date:** 11/18/2016      **Action:** TESTIMONY & EXHIBITS



**Description**

UMATILLA's Reply Testimony and Exhibits of Louis S. Toth (UEC/300-302, Toth); Filed by Cable Huston.

**Date:** 11/10/2016      **Action:** TESTIMONY & EXHIBITS



**Description**

STAFF's Testimony and Exhibits of Geoffrey Ihle (Staff/100-103, Ihle) and Scott Gibbens (Staff/200-204, Gibbens); Filed by Johanna Riemenschneider. (See also Errata to Staff/200 and supplemental exhibit Staff/205 filed 1/11/17).

**Date:** 11/7/2016      **Action:** HEARING



**Description**

NOTICE OF HEARING; Copies served electronically to PCN 1 and Electric List and via U.S. Mail to those without email addresses. HEARING scheduled 12/12/2016 9:30 AM City: SALEM Room: HEARING RM Building: PUC Address: 201 HIGH ST SE, SALEM, OR 97301 If dial in needed contact AHD at puc.hearings@state.or.us or 503-378-6678 Law Judge: POWER, PATRICK

**Date:** 10/13/2016 **Action:** OTHER CORRESPONDENCE (ACKN, SVC, LTR)

**Description**

Returned mail addressed to Anacapa Land Co., San Jose, CA marked "Return to Sender, Temporarily Away, Unable to Forward"

**Date:** 10/10/2016 **Action:** OTHER CORRESPONDENCE (ACKN, SVC, LTR)

**Description**

Returned mail addressed to Anacapa Land Co., marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward". (copy of PHC memo).

**Date:** 9/29/2016 **Action:** OTHER CORRESPONDENCE (ACKN, SVC, LTR)

**Description**

Returned piece of mail addressed to Anacapa Land Co LLC (copy of Public Comment Hearig Notice), marked Return to Sender, Not Deliverable as Addressed; Unable to Forward. (AHD remailed copy of PHC Memo and Protective Order to new address in San Jose, CA 9/29/16).

**Date:** 9/27/2016 **Action:** OTHER FILING/PLEADING 

**Description**

UMATILLA's Request for Huddle Access; Filed by Tommy A. Brooks.

**Date:** 9/26/2016 **Action:** PROTECTIVE ORDER 

**Order No:** 16-358

**Description**

Protective Order No. 16-358, signed by Patrick Power, Administrative Law Judge; DISPOSITION: MOTION FOR PROTECTIVE ORDER GRANTED. Copies served electronically 9/26/16 and via U.S. Mail to those without email addresses 9/27/16.

**Date:** 9/26/2016 **Action:** LAW JUDGE RULING/MEMORANDA 

**Description**

ALJ Patrick Power issues Prehearing Conference Memorandum; Notice of Contested Case Rights pursuant to ORS 183.413 attached. Copies served electronically 9/26/16 and via U.S. Mail to those without email addresses 9/27/16.

**Date:** 9/22/2016 **Action:** MOTION

**Description**

UMATILLA's Motion for General Protective Order; Made orally at 9/22/16 prehearing conference.

**Date:** 9/19/2016 **Action:** COMMENTS/RESPONSE 

**Description**

Clarence and Geraldine Charlo's Comments. Rec'd electronically 9/19/16.

**Date:** 9/16/2016 **Action:** OTHER FILING/PLEADING 

**Description**

The Hermiston Herald's Affidavit of Publication of Notice of 9/22/16 Public Comment Hearing published on 9/7/16 and 9/17/16. Filed by Dayle Stinson.

**Date:** 9/6/2016 **Action:** CONFERENCE

**Description**

NOTICE OF PREHEARING CONFERENCE immediately following PUBLIC COMMENT HEARING scheduled 9/22/2016 6:00 PM (See Public Comment Hearing notice (combined notice) for electronic version). City: HERMISTON Building: UMATILLA ELECTRIC COOPERATIVE Address: 750 W ELM AVE, HERMISTON, OR Reporter: DIGITAL Law Judge: POWER, PATRICK

**Date:** 9/6/2016 **Action:** PUBLIC COMMENT HEARING 

**Description**



NOTICE OF PUBLIC COMMENT HEARING & PREHEARING CONFERENCE; Copies served electronically to docket PCN 1, Interested counties and cities, & Electric Lis 9/6/16; Via U.S. Mail to affected property owners & those without email addresses 9/6/16. Notice also to publish in Hermiston Herald 9/7/16 & 9/14/16. PUBLIC COMMENT HEARING scheduled 9/22/2016 6:00 PM PREHEARING CONFERENCE immediately following City: HERMISTON Building: UMATILLA ELECTRIC COOPERATIVE Address: 750 W ELM AVE, HERMISTON, OR Reporter: DIGITAL Law Judge: POWER, PATRICK

**Date:** 8/19/2016      **Action:** TESTIMONY & EXHIBITS



**Description**

UMATILLA ELECTRIC COOPERATIVE's Testimony of Louis S. Toth (UEC/100-109, Toth) and Robert Echenrode (UEC/200-205), Echenrode); Filed by Tommy Brooks. Hard copy with CD rec'd 8/23/16. Exhibit 103 is confidential and is located in locked cabinet, env. no. 804.

**Date:** 8/19/2016      **Action:** INITIAL (APPLICATION, COMPLAINT, PETITION)




**Description**

In the Matter of UMATILLA ELECTRIC COOPERATIVE, Petition for Certification of Public Convenience and Necessity; Filed by Tommy Brooks.

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September 29, 2016, PCN 1

In June 2015 Umatilla Electric Cooperative's representative, Mike Priest, contacted us with UEC's proposal which was to replace existing transmission poles on our property with larger & taller poles, adding 3 more transmission lines, and moving them 5 more feet onto our property. Mr. Priest later returned with an offer of \$900 and a contract wanting, which we understood to be, a total of 25 feet of easement along the west side of our property. We did not agree because he told us the neighbors on each side of us had 2 lots each and were getting \$500 per lot for a total of \$1000 each. However, we questioned this because our neighbors' 2 lots are much smaller than our 1 lot. They each have about 200 feet along the easement and we have about 700 feet along the easement. We questioned why UEC was paying per lot instead of linear feet. They just said that is how they decided to do it.

Through their subsequent visits we asked UEC to mark the placement of the new poles, mark the existing easement, & mark the end of the new easement line. The marks showed the new poles would actually be almost 10 feet more onto our property instead of 5 feet. They actually want a total of 25 feet easement from the new poles which they didn't make clear to us from the first. Mr. Priest brought Josh Lankford a couple of times to explain but we could not come to an agreement.

The existing easement already runs through a corner of our house and our concern is that the new easement will add almost 10 more feet through our house. The transmission lines will then be over a larger part of our house and we wonder about our safety.

We also contacted Umatilla County Assessor's office and they came and reviewed our property. They informed us that the lines will lower our property value though they won't know how much until the lines are moved.

In reading the contract we realized we are giving up control of a large amount of our property for a small amount of money, our property value will go down, we still have to pay the property taxes on the easement, maintain the property, and after we sign the contract we have no control over what UEC can do with our property in the future.

Clarence & Geraldine Charlo  
81999 Lind Rd Umatilla, OR 97882  
541-922-3131  
beebcharlo@Yahoo.com

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

PCN 1

In the Matter of

UMATILLA ELECTRIC COOPERATIVE,

Petition for Certification of Public  
Convenience and Necessity.

ORDER

DISPOSITION:      PETITION GRANTED

**I.      INTRODUCTION**

In this order, we grant the petition filed by Umatilla Electric Cooperative (Umatilla) for a certificate of public convenience and necessity as required for the construction of a five mile overhead transmission line from a breaker in the McNary Substation, owned by the Bonneville Power Administration (BPA), to Umatilla's existing Hermiston Butte Substation.

**II.     BACKGROUND**

Umatilla provides electric service to its Oregon members in Morrow, Umatilla, Union, and Wallowa counties. Umatilla's service territory is located west of Boardman in Morrow County and covers much of Umatilla County, surrounding the cities of Hermiston and Pendleton and into the Blue Mountains.

As a consumer-owned utility, Umatilla is not subject to our jurisdiction with regard to its rates, service, and financial matters. However, under ORS 758.015, Umatilla is required to obtain from this Commission a certificate of public convenience and necessity (CPCN) in order to condemn property for purposes of building a transmission line.

The proposed 115 kV transmission line would run approximately five miles from BPA's McNary Substation to Umatilla's Hermiston Butte Substation. It would become the main feed to the Hermiston Butte Substation and provide backup to the existing feed from the McNary Substation into the Hermiston area. The transmission line is needed to adequately provide service to existing and new loads in the City of Hermiston and Umatilla's surrounding service territory.

On September 22, 2016, we held a public comment hearing and prehearing conference in this matter in Hermiston, Oregon. Umatilla and the Commission Staff made presentations at the hearing and answered questions. No petitions to intervene have been

filed and no members of the public participated in the prehearing conference. However, we have received some written comments from interested persons.

Umatilla and Staff filed testimony that was received at a hearing on December 12, 2016. The matter was submitted with the filing of briefs by Staff and Umatilla on January 11, 2016. There are no contested issues of fact and law. Staff supports Umatilla's application.

### III. DISCUSSION

#### A. Legal Standard

Upon receipt of the petition, ORS 758.015(2) requires this Commission to undertake an "investigation to determine the necessity, safety, practicability and justification in the public interest for the proposed transmission line." In addition, OAR 860-025-0030(2) requires us to determine whether the proposed transmission line is compatible with land use regulations.

##### 1. ORS 758.015(2)

In Order No. 11-366, we interpreted the statutory phrase "necessity, safety, practicability and justification in the public interest of the proposed transmission line."<sup>1</sup> Construing the phrase in the context of the laws and policies governing the condemnation of private property, we concluded that the statute required use to make separate determinations on the necessity, safety, practicability, and justification of the proposed transmission line, and must consider the "public interest" when addressing each of these requirements.<sup>2</sup> Furthermore, because we are acting in a legislative capacity making these public interest determinations, we concluded that we must focus on the benefits and costs to all Oregonians.<sup>3</sup> Thus, although the interests of the petitioning entity must be considered, we do not require a specialized showing of benefits to these customers to issue a CPCN.

With regard to the specific meaning of "necessity, safety, practicability and justification" of a project, we relied on the plain, natural, and ordinary meanings of these terms.<sup>4</sup> To establish the necessity of a project, we concluded that the petitioner must demonstrate that Oregonians will forego something desirable and useful without it. To establish the safety of a project, we held that a petitioner must show that the project will be constructed, operated, and maintained in a manner that protects the public from danger. To establish the practicability of the project, the petitioner must show the project is feasible and will be effectively and efficiently constructed. Finally, to show that a project is justified, the petitioner must show sufficient reason for the project to be built.

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<sup>1</sup> *In the Matter of PacifiCorp, dba Pacific Power*, Docket No. UM 1495, Order No. 11-366 (Sept 22, 2011).

<sup>2</sup> *Id.* at 3.

<sup>3</sup> *Id.* at 4.

<sup>4</sup> *Id.*

2. *OAR 860-025-0030(2)*

In addition to the statutory criteria discussed above, OAR 860-025-0030 requires a petitioner to show that the proposed transmission project complies with Oregon's Statewide Planning Goals and is compatible with the acknowledged comprehensive plans and land use regulations of each local government where the project is to be located. The rule allows the petitioner to prove compatibility by showing either (1) it already has received and use permits from local planning authorities; (2) the project does not require land use permits; (3) the project can be approved by the local authorities if the petitioner follows the proper procedures. The rule also allows us to make direct findings of compatibility with Statewide Planning Goals.

**B. Necessity of Proposed Transmission Line**

1. *Position of the Parties*

Umatilla and Staff agree that the new line is necessary to provide reliable and safe service to existing and new loads in the City of Hermiston and the surrounding service territory and for the continued public health, safety, and economic welfare of Umatilla's members. The cooperative states that it is experiencing rapid growth and is expanding, replacing, and adding infrastructure. Staff agrees that Umatilla has experienced rapid growth over the last five years, with continued growth forecast, and notes that outages on the system have increased in severity.

The parties also agree that an upgrade to the existing line would not be as effective as development of the proposed line with respect to reliability and would be more expensive. The area is currently served by a 115kV line owned by Umatilla and sourced from BPA's McNary Substation. The existing line has limited capacity and limited reliability and has resulted in outages. Umatilla looked into upgrading the existing line but determined that upgrades would be an inferior choice.

The parties also note the benefits of the new line. Umatilla contends the new line will benefit Oregonians directly and indirectly by supporting economic development, jobs, and the tax base. Staff notes that a neighboring utility, Hermiston Energy Services, also will benefit through increased reliability.

2. *Commission Resolution*

We conclude that Umatilla has established the necessity of the proposed line. Umatilla has shown that it is experiencing rapid growth. The existing line has limited capacity and limited reliability, resulting in outages. Upgrading the existing line would be an inferior choice.



**C. Safety of Proposed Transmission Line****1. Position of the Parties**

Umatilla and Staff contend that the project will be executed in a manner that protects the public from danger and is therefore safe. Umatilla states that safety is a priority for the cooperative in its operation and maintenance of its system, and it has substantial experience constructing, operating and maintaining transmission lines in a safe, efficient manner. Umatilla explains that the proposed line will be constructed, operated, and maintained to meet or exceed all National Electric Safety Code standards, as well as all applicable federal, state and local laws, regulations, and ordinances. Moreover, Umatilla adds that it designs and maintains all of its electrical facilities in conformance with State of Oregon<sup>5</sup> and United States Department of Agriculture service standards.

Staff is satisfied that Umatilla will comply with applicable standards for construction, operation, and maintenance of the transmission line. Staff responds to concerns from land owners which it finds are not relevant or have been fully addressed by the project design. Staff investigated potential environmental harm and exposure to electromagnetic fields. Staff found minimal environmental impacts and exposures well below the applicable standard.

**2. Commission Resolution**

We find that Umatilla has demonstrated that the proposed transmission line will be constructed, operated, and maintained in a manner that protects the public from danger. The company commits to meet or exceed all applicable safety standards and rules. These standards and rules ensure that the line is constructed, operated, and maintained in a manner that protects the public.

**D. Practicability****1. Position of Parties**

Umatilla and Staff contend that the proposed transmission line is practical. Umatilla notes that the proposed line will use an existing transmission corridor and take a relatively straight route between the McNary Substation and the Hermiston Butte Substation. Any alternate route would require new easements, the potential condemnation of more private property, and potential impacts to resource lands, such as agricultural parcels.

Staff describes Umatilla's planning process and compares the estimated cost of the proposed line to the costs of the alternatives which are more expensive. Staff notes that due to the significant growth forecast for the service territory, the rate impact of the project on the utility's customers is not significant. Umatilla has been granted

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<sup>5</sup> OAR 860, Division 024 (Safety Standards).

preliminary approval for financing the project through the Department of Agriculture, Rural Utilities Service (RUS), which requires a showing that the project is justified.

Given the number of landowners involved, Staff finds it reasonable to assume that Umatilla would have to resort to condemnation regardless of the route chosen. Thus, the project is not practicable without a CPCN because the cooperative otherwise would be unable to initiate the condemnation proceedings to acquire the necessary land or interests in land.

## **2. *Commission Resolution***

We find that Umatilla has established that the proposed transmission line is feasible and will be effectively and efficiently constructed. Umatilla has the experience and resources necessary to effectively and efficiently complete the project. The proposed line is the most cost-effective solution to the utility's need for new transmission into its Hermiston Butte Substation.

### **E. *Justification***

#### **1. *Position of Parties***

Both Umatilla and Staff agree that the proposed transmission line is justified. In terms of benefits, Umatilla anticipates the proposed line will help meet its obligation to provide sale and reliable service to its customers. Umatilla states that reliability is essential, because the load center to be served has several critical loads, including hospital and medical facilities, large merchandise outlets, and industrial processes.

In terms of costs, Umatilla reports that the cost of the line is estimated to be \$5.74 million. The average impact on a residential member's bill is \$0.37 per month.

Umatilla adds that it plans to receive financing for the line from RUS. As part of receiving RUS financing Umatilla must demonstrate that the line is justified, and an environmental analysis must be performed.

Staff did not engage in a traditional cost/benefit study because most of the benefits of the line, including improved reliability, reduced outages, flexibility in serving load, and increased load serving capabilities are not readily quantifiable. To assess justification, Staff examined the alternate routes and the upgrade option and found the project to be justified by comparison. Staff also considered the impact to customers and businesses and found that the improved reliability benefits all affected persons.

#### **2. *Commission Resolution***

Based on Staff's independent analysis, we find that Umatilla has shown sufficient reason for the proposed transmission line to be built. We agree that many of the economic benefits of the line are not readily quantifiable, but they are tangible and cannot be

achieved more efficiently or cheaply. We make this determination to facilitate Umatilla's use of condemnation. Because we have no rate-making jurisdiction over Umatilla, our finding cannot be used to justify Umatilla's recovery of its related costs. However, as noted by Staff, as a municipal utility, Umatilla can be presumed to act in the best interests of its customers.

## **F. Compatibility with Land Use Regulations**

### *1. Position of Parties*

At the outset, Umatilla states its willingness to work with all landowners to avoid the need for condemnation (and the need for this proceeding). However, if condemnation is required, the cooperative faces a timing issue – it cannot apply for final land use approval from the county until it has a property interest in the land on which the line will be constructed – and it needs condemnation to acquire that property interest.

Umatilla states that it has worked with local land use authorities to confirm that the line is a permissible use along the route both within and without the Umatilla County/City Urban Growth Areas and in the City of Hermiston. In the case of the county, the transmission line would be a conditional use, such that the county may place conditions on its approval to address any compatibility issues.

Regarding the Statewide Planning Goals, Umatilla separately discusses the application of each of the relevant goals to its application.

Goal No. 1 is “Citizen Involvement.” Umatilla notes that there is the opportunity for citizen involvement in this proceeding as well as in the local permitting process.

Goal No. 2 is “Land Use Planning and Exceptions.” Consistency of the transmission line with the county comprehensive plan is a requirement for the conditional use permit that Umatilla will obtain from the county.

Goal No. 3 is “Agricultural Lands.” Umatilla states that the proposed route avoids all relevant lands.

Goal No. 5 is “Open Spaces, Scenic and Historic Areas, and Natural Resources.” Umatilla states that the proposed line does not pass through any such designated areas.

Goal No. 6 is “Air, Water, and Land Resources.” Umatilla states it will obtain permits for applicable federal and state environmental standards, including air and water quality standards. The construction of the line will be in accordance with all applicable statutes, regulations, and standards.

Goal No. 8 is “Recreational Needs.” Umatilla states that the transmission line will have no material impact on recreational opportunities in and around the area to be developed.

Goal No. 9 is “Economy of the State.” Umatilla cites the improved transmission reliability resulting from the project that will support future load growth and economic development.

Goal No. 13 is “Energy Conservation.” Umatilla cites the efficiency of building the straight—and therefore short—line in an existing corridor as promoting energy conservation. The shorter the line, the lower the line losses.

Staff likewise investigated the plan for the project in terms of local and statewide planning criteria. With regard to local planning requirements, Staff relied on letters from the City of Hermiston’s Planning Department and from the Umatilla County Department of Land Use Planning. In its letter, the City of Hermiston noted that the route passes through two areas of the city zoned for power transmission lines so that no land use approval is required. In its letter, Umatilla County indicates that the line can be approved under a conditional use permit in compliance with land use regulations, once the utility has acquired the subject property.

Staff also works its way through each of the Statewide Planning Goals addressed by Umatilla in its showing and independently agrees that the project is compatible with the particular goal.

## 2. *Commission Resolution*

We find that Umatilla has established, and Staff has confirmed, that the proposed project is compatible with statewide and local land use regulations and goals.

## IV. PUBLIC CONCERNS

Although no person intervened in this proceeding, we did receive comments or expressions of concerns regarding the project from members of the public. To the extent those concerns relate to the adequacy of the payments to be made by Umatilla to landowners in the condemnation process, those concerns are outside of our jurisdiction.

In its investigation, Staff reviewed concerns regarding the location of the line in relation to existing housing and found that the placement of the line sufficiently addresses the concerns.

## V. CONCLUSION

We approve Umatilla’s petition. We find that Umatilla has met the legal requirements under ORS 758.015 and OAR 860-025-0030(2) for granting a certificate of public convenience and necessity for the proposed line.

VI. ORDER


IT IS ORDERED that Umatilla Electric Cooperative is granted a Certificate of Public Convenience and Necessity to construct a five mile overhead transmission line from the Bonneville Power Administration's McNary Substation to Umatilla Electric Cooperative's Hermiston Butte Substation.

Made, entered, and effective MAR 21 2017.

  
\_\_\_\_\_  
**Lisa D. Hardie**  
Chair

  
\_\_\_\_\_  
**John Savage**  
Commissioner



  
\_\_\_\_\_  
**Stephen M. Bloom**  
Commissioner

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.





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**Docket No:** PCN 3

**Docket Name:** SPRINGFIELD UTILITY BOARD CERTIFICATION OF PUBLIC CONVENIENCE AND NECESSITY

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**Subject Company:** [SPRINGFIELD UTILITY BOARD](#)

In the Matter of SPRINGFIELD UTILITY BOARD, Petition for Certification of Public Convenience and Necessity. Filed by Matthew Dahlstrom. Served to Electric List.

**Filing Date:** 10/17/2018

**Order:** [19-076](#)

**Order Signed:** 3/8/2019

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**Date:** 3/11/2019      **Action:** OTHER CORRESPONDENCE (ACKN, SVC, LTR)      

**Description**  
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**Date:** 3/8/2019      **Action:** ORDER      

**Order No:** 19-076

**Description**  
Order No. 19-076, signed by Nolan Moser, Chief Administrative Law Judge; DISPOSITION: PETITION DISMISSED WITHOUT PREJUDICE; DOCKET CLOSED. Copies served on 3/8/19.

**Date:** 3/7/2019      **Action:** MOTION      

**Description**  
SUB's Motion to Withdraw Petition for Certification of Public Convenience and Necessity [Expedited Consideration Requested]. Filed by Matthew Dahlstrom.

**Date:** 3/7/2019      **Action:** NOTICE      

**Description**  
Notice and withdrawal of Cafeto and Miranda Interventions, filed by Mark Thompson.

**Date:** 2/25/2019      **Action:** LAW JUDGE RULING/MEMORANDA      

**Description**  
Chief ALJ Moser issues Ruling; DISPOSITION: MOTION GRANTED; CURRENT PROCEDURAL SCHEDULE SUSPENDED. Copies served on 2/25/19.

**Date:** 2/22/2019      **Action:** OTHER FILING/PLEADING      

**Description**  
SUB's letter attaching an email from K.C. Huffman with the City of Springfield's support for the extension. Filed by Erin Dieter.

**Date:** 2/21/2019      **Action:** MOTION      

**Description**  
SUB's Motion to Suspend Procedural Schedule, expedited consideration requested. Filed by Matthew L. Dahlstrom

**Date:** 1/14/2019      **Action:** LAW JUDGE RULING/MEMORANDA



**Description**

ALJ Sarah Rowe for ALJ Patrick Power issues Ruling; DISPOSITION: PETITION TO INTERVENE GRANTED. Notice of Contested Case Rights and Procedures attached. Copies served on 1/14/19.

**Date:** 1/3/2019      **Action:** PETITION TO INTERVENE



**Description**

CITY OF SPRINGFIELD's Petition to Intervene, with contacts of Gino Grimaldi and K. C. Huffman. Filed by K. C. Huffman.

**Date:** 1/2/2019      **Action:** OTHER FILING/PLEADING



**Description**

SPRINGFIELD UTILITY BOARD's Request for Huddle Access for Matthew L. Dahlstrom, Matt Cox, and Tamara Pitman. Filed by Matthew L. Dahlstrom.

**Date:** 12/26/2018      **Action:** OTHER FILING/PLEADING



**Description**

CAFETO COFFEE COMPANY's Request for Huddle Access for Irion Sanger, Mark Thompson, and Min Hu. Filed by Min Hu.

**Date:** 12/12/2018      **Action:** LAW JUDGE RULING/MEMORANDA



**Description**

ALJ Patrick Power issues Prehearing Conference Memorandum. Notice of Contested Case Rights and Procedures attached. Copies served on 12/12/18.

**Date:** 12/10/2018      **Action:** PETITION TO INTERVENE



**Description**

Artemio Paz, Jr.'s Petition to Intervene. Filed by Artemio Paz, Jr.

**Date:** 12/4/2018      **Action:** OTHER FILING/PLEADING



**Description**

The Register-Guard's Affidavit of Publication of 11/21/18 Notice of Public Comment Hearing and Conference published 11/21/18 and 11/28/18. Filed by Wendy Raz.

**Date:** 11/26/2018      **Action:** LAW JUDGE RULING/MEMORANDA



**Description**

ALJ Patrick J. Power issues Ruling; DISPOSITION: PETITIONS GRANTED. Copies served electronically on 11/26/18.

**Date:** 11/21/2018      **Action:** PETITION TO INTERVENE



**Description**

ALBERTO MIRANDA's and CAFETO COFFEE COMPANY's Petition to Intervene, with contacts of Alberto Miranda, Antonio Miranda, Mark R. Thompson, and Irion A. Sanger. Filed by Mark. R. Thompson.

**Date:** 11/21/2018      **Action:** CONFERENCE

**Description**

NOTICE OF PREHEARING CONFERENCE immediately following PUBLIC COMMENT HEARING scheduled 12/10/18, 6:00 PM. (See Public Comment Hearing notice (combined notice) for electronic version). CONFERENCE scheduled 12/10/2018 6:30 PM City: SPRINGFIELD Room: FREIGHT ROOM Building: SPRINGFIELD CHAMBER OF COMMERCE Address: 101 SOUTH A STREET Reporter: DIGITAL Law Judge: POWER, PATRICK

**Date:** 11/21/2018      **Action:** PUBLIC COMMENT HEARING



**Description**

NOTICE OF PUBLIC COMMENT HEARING & PREHEARING CONFERENCE; Copies served electronically to docket PCN 3, interested counties and cities, & Electric List 11/21/18; Via U.S. Mail to affected property owners & those without email addresses 11/21/18. Notice also to publish in The Register-Guard on 11/21/18 and 11/28/18.. PUBLIC COMMENT HEARING scheduled 12/10/2018 6:00 PM City: SPRINGFIELD Room: FREIGHT ROOM Building: SPRINGFIELD CHAMBER OF COMMERCE Address: 101 SOUTH A STREET Reporter: DIGITAL Law Judge: POWER, PATRICK

**Date:** 10/17/2018**Action:** TESTIMONY & EXHIBITS**Description**


SPRINGFIELD UTILITY BOARD's Testimony and Exhibits of Jeff Nelson (SUB/100-107, Nelson) and Tamara Pitman (SUB/200-214, Pitman). Filed by Matthew Dahlstrom. Hard copy rec'd. 10/29/18.

**Date:** 10/17/2018**Action:** INITIAL (APPLICATION, COMPLAINT, PETITION)**Description**

In the Matter of SPRINGFIELD UTILITY BOARD, Petition for Certification of Public Convenience and Necessity. Filed by Matthew Dahlstrom. Served to Electric List.

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BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

In the Matter of:  
  
SPRINGFIELD UTILITY BOARD,  
  
Petition for Certification of Public  
Convenience and Necessity.

Case No. PCN 3  
  
**CITY OF SPRINGFIELD'S PETITION  
TO INTERVENE**

Pursuant to ORS 756.525 and OAR 860-001-0300(2), the City of Springfield (the "Petitioner"), by and through its attorney, K.C. Huffman and Thorp, Purdy, Jewett, Urness & Wilkinson, P.C., petitions the Public Utility Commission of Oregon (the "Commission") to grant permission to the Petitioner to intervene and appear with full party status in the above-captioned proceeding.

In support of this Petition, the Petitioner offers the following information:

1. The Petitioner's name and contact information:  
  
City of Springfield  
By and through its City Manager, Gino Grimaldi, or his successor or appointee  
225 Fifth Street,  
Springfield, OR 97477  
(541) 726-3700  
[ggrimaldi@springfield-or.gov](mailto:ggrimaldi@springfield-or.gov)
2. The name and contact information of the Petitioner's attorney:  
  
K.C. Huffman,  
Thorp, Purdy, Jewett, Urness & Wilkinson, P.C.  
1011 Harlow Road, Suite 300  
Springfield, OR 97477  
(541) 747-3354  
[kchuffman@thorp-purdy.com](mailto:kchuffman@thorp-purdy.com)
3. If the Petitioner is an organization, the number of members in and purpose of the organization:

1 The Petitioner is a Municipality, as that term is defined in ORS 756.010 – Accordingly,  
2 this information is not necessary.

3 4. The nature and extent of the Petitioner’s interest in the proceedings:

4 The Petitioner has a substantial interest in the proceeding. Petitioner has jurisdiction over  
5 the Glenwood area and has made significant efforts to revitalize the Glenwood area by adopting  
6 the *Glenwood Refinement Plan*. The proposed substation and transmission lines will assist in  
7 these efforts.

8 5. The issues Petitioner intends to raise at the proceedings:

9 The Petitioner intends to raise issues concerning the necessity of the proposed substation  
10 and transmission lines to the revitalization of the Glenwood area and the exercise of eminent  
11 domain over the subject property. The Petitioner may also provide insight in response to any  
12 issues raised by the other Intervenors in this action.

13 6. Any special knowledge or expertise of the Petitioner that would assist the Commission in  
14 resolving the issues in the proceedings:

15 The Petitioner has in-depth knowledge of the property that is at issue in this proceeding  
16 and the revitalization of the Glenwood area.

17 DATED: January 3, 2019

18 THORP, PURDY, JEWETT,  
19 URNESS & WILKINSON, P.C.

20 

21 \_\_\_\_\_  
22 K.C. Huffman, OSB#002854  
23 Attorneys for Petitioner City of Springfield  
24 E-mail: kchuffman@thorp-purdy.com  
25  
26



**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**PCN - 3**

In the Matter of the Petition of

SPRINGFIELD UTILITY BOARD

**PETITION FOR CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY**

**MOTION TO WITHDRAW PETITION  
FOR CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY**

**(EXPEDITED CONSIDERATION  
REQUESTED)**

COMES NOW the Springfield Utility Board ("**SUB**") by and through the law firm of Leahy Cox, LLP and files this Motion to Withdraw Petition for Certificate of Public Convenience and Necessity. SUB originally filed the Petition on October 17, 2018, and SUB now withdraws the Petition as the need for the Certificate of Public Convenience and Necessity no longer exists.

SUB has purchased several parcels of land, including the land needed for the construction of the overhead transmission line project detailed in SUB's previously filed Petition. Due to SUB's purchase of land, condemnation is unnecessary, and the need for a Certificate of Public Convenience and Necessity is obviated.

SUB now withdraws our Petition filing in the PCN – 3 docket.

DATED this 7th day of March, 2019.

LEAHY COX, LLP



MATTHEW L. DAHLSTROM, OSB No. 153284

Of Attorneys for Springfield Utility Board

LEAHY COX, LLP

188 W. B Street, Bldg. N

Springfield, OR 97477

PH: 541.746.9621

[mld@emeraldlaw.com](mailto:mld@emeraldlaw.com)

**MOTION TO WITHDRAW PETITION FOR CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY - 1**



## eDockets

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**Docket No:** PCN 2      **Docket Name:** TILLAMOOK PUD CERTIFICATION OF PUBLIC CONVENIENCE AND NECESSITY

[Print Summary](#)

\* This docket is a contested case. See the [Internal Operating Guidelines](#) and [OAR 860-001](#)

**Subject Company:** [TILLAMOOK PUD](#)

In the Matter of TILLAMOOK PEOPLE'S UTILITY DISTRICT, Petition for Certification of Public Convenience and Necessity. Filed by Tommy Brooks. [Served to Electric Industry List]

**Filing Date:** 10/6/2017

**Order:** [19-293](#)

**Order Signed:** 9/10/2019

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**Date:** 9/10/2019      **Action:** ORDER



**Order No:** 19-293

**Description**

Order No. 19-293, signed by Commissioners Megan W. Decker and Stephen M. Bloom; Commissioner Letha Tawney dissenting; DISPOSITION: PETITION GRANTED. Copies served on 9/10/19.

**Date:** 9/6/2019      **Action:** OTHER FILING/PLEADING



**Description**

Tillamook People's Utility District's Land Use Status Update LUBA No. 2018-115; filed by Tommy Brooks.

**Date:** 6/20/2019      **Action:** OTHER FILING/PLEADING



**Description**

Tillamook People's Utility District's Land Use Status Update filed by Tommy A. Brooks.

**Date:** 5/31/2019      **Action:** SERVICE LIST CHANGE



**Description**

Cable Huston (representing Tillamook PUD) Notice of Service List Address Change filed by Chad M. Stokes.

**Date:** 4/2/2019      **Action:** BRIEF



**Description**

TPUD's Closing Brief. Filed by Tommy A. Brooks.

**Date:** 3/26/2019      **Action:** BRIEF



**Description**

STAFF's Cross-Answering Brief. Filed by Johanna M. Riemenschneider.

**Date:** 3/26/2019      **Action:** BRIEF



**Description**

TILLA-BAY FARMS, INC. Cross-Answering Brief. Filed by Kurt Mizee.

**Date:** 3/26/2019      **Action:** BRIEF

**Description**

DAVID MAST Cross-Answering Brief. Filed by David Mast.

**Date:** 3/26/2019      **Action:** BRIEF**Description**

DORIS MAST Cross-Answering Brief. Filed by Doris Mast.

**Date:** 3/26/2019      **Action:** BRIEF**Description**

ERIC and LORETTA PETERSON Cross-Answering Brief. Filed by Eric Peterson.

**Date:** 3/12/2019      **Action:** BRIEF**Description**

STAFF's Reply Brief. Filed by Johanna Riemenschneider.

**Date:** 3/12/2019      **Action:** BRIEF**Description**

DAVID MAST's Reply Brief. Filed by David Mast.

**Date:** 3/12/2019      **Action:** BRIEF**Description**

DORIS MAST's Reply Brief. Filed by Doris Mast.

**Date:** 3/12/2019      **Action:** BRIEF**Description**

DON AUFDERMAUER's Reply Brief. Filed by Don Aufdermauer.

**Date:** 3/12/2019      **Action:** BRIEF**Description**

TILLA-BAY FARMS, INC.'s Reply Brief. Filed by Kurt Mizee.

**Date:** 2/22/2019      **Action:** BRIEF**Description**

TPUD's Opening Brief, filed by Tommy Brooks.

**Date:** 2/5/2019      **Action:** LAW JUDGE RULING/MEMORANDA**Description**

ALJ Patrick J. Power issues Ruling: DISPOSITION: BRIEFING SCHEDULE ADOPTED. Copies served electronically 2/5/19 and by U.S. Mail to those without email addresses 2/6/19.

**Date:** 1/28/2019      **Action:** MOTION**Description**

TPUD's Proposed Briefing Schedule. Filed by Tommy A. Brooks.

**Date:** 1/28/2019      **Action:** TESTIMONY & EXHIBITS**Description**

TPUD's Rebuttal Testimony and Exhibits of KC FAGEN (TPUD/500-505, Fagen). Filed by Chad Stokes. Hard copy rec'd. 1/29/19.

**Date:** 1/17/2019      **Action:** TESTIMONY & EXHIBITS**Description**

DAVID MAST Reply Testimony (DAVID MAST/300, Mast) (Resubmitted because of "viewability" issues) filed by David Mast.

**Date:** 1/16/2019      **Action:** TESTIMONY & EXHIBITS



**Description**

STAFF Reply Testimony of Nadine Hanhan (Staff/500, Hanhan) filed by Kay Barnes.

**Date:** 1/16/2019      **Action:** TESTIMONY & EXHIBITS



**Description**

TILLA-BAY FARMS, INC.'s Reply Testimony of Kurt Mizze (Mizze/200) (6 pages); filed by Kurt Mizze.

**Date:** 1/15/2019      **Action:** TESTIMONY & EXHIBITS



**Description**

AUFDERMAUER FARMS's Reply Testimony of Don Aufdermauer (Don Aufdermauer/200) filed by David Mast.

**Date:** 1/14/2019      **Action:** TESTIMONY & EXHIBITS



**Description**

DAVID MAST's Reply Testimony and Exhibits (David Mast/300). Filed by David Mast. (NOTE: Also see 1/17/19 entry.)

**Date:** 1/14/2019      **Action:** TESTIMONY & EXHIBITS



**Description**

DORIS MAST's Reply Testimony (Doris Mast/300-308). Filed by Doris Mast.

**Date:** 12/18/2018      **Action:** TESTIMONY & EXHIBITS



**Description**

TPUD's errata to Supplemental Testimony and Exhibits of KC FAGEN (TPUD/400, Fagen) correcting header. Filed by Tommy Brooks.

**Date:** 12/17/2018      **Action:** TESTIMONY & EXHIBITS



**Description**

TPUD's Supplemental Testimony and Exhibits of KC FAGEN (TPUD/400- 419, Fagen). Filed by Tommy Brooks. (Due to file size, exhibits in Excel are not included in this posted document.) (Also see 12/18/18 errata filing correcting header in TPUD/400, Fagen.)

**Date:** 12/17/2018      **Action:** LAW JUDGE RULING/MEMORANDA



**Description**

ALJ Patrick J. Power issues Memorandum. Copies served electronically on 12/17/18 and via U.S. Mail to those without email addresses on 12/18/18.

**Date:** 12/10/2018      **Action:** LAW JUDGE RULING/MEMORANDA



**Description**

ALJ Power issues Ruling; DISPOSITION: MOTION GRANTED; PROCEDURAL SCHEDULE MODIFIED. Copies served electronically 12/10/18 and by U.S. Mail to those without email addresses 12/10/18.

**Date:** 12/7/2018      **Action:** MOTION



**Description**

TPUD Motion to Modify Procedural Schedule - Expedited Consideration Requested - Filed by Tommy A Brooks.

**Date:** 11/26/2018      **Action:** TRANSCRIPT

**Description**

Transcript for the 11/1/18 Hearing. (Not posted.) Please contact Bolam & Associates for copies at (503) 294-0346.

**Date:** 11/26/2018      **Action:** LAW JUDGE RULING/MEMORANDA



**Description**

ALJ Patrick J. Power issues Ruling; DISPOSITION: EVIDENCE RECEIVED. Copies served electronically on 11/26/18 and via U.S. Mail to those without email addresses on 11/26/18.

**Date:** 11/9/2018      **Action:** LAW JUDGE RULING/MEMORANDA

**Description**

ALJ Patrick J. Power issues Ruling: DISPOSITION: ADDITIONAL TESTIMONY REQUIRED; BRIEFING SCHEDULE VACATED; AND OFFICIAL NOTICE TAKEN. Copies served electronically 11/9/18 and by U.S. Mail to those without email addresses 11/9/18.

**Date:** 11/8/2018      **Action:** MOTION

**Description**

Oregon Farm Bureau Federation's Motion to Admit Previously Filed Testimony, together with Declaration of Mary Anne Cooper. Filed by Mary Anne Cooper.

**Date:** 11/7/2018      **Action:** MOTION

**Description**

Oregon Dairy Farmers Association's Motion to Admit Pre-Filed Testimony, together with Declaration of Tami Kerr. Filed by Tami Kerr.

**Date:** 11/1/2018      **Action:** MOTION

**Description**

KRISTI SHERER's Motion to Admit Pre-Filed Testimony (Declaration filed 11/1/18). Filed by Kristi Sherer.

**Date:** 11/1/2018      **Action:** NOTICE

**Description**

Chief ALJ Michael Grant issues a Notice of Ex Parte Communication. Copies served electronically on 11/1/18 and via U.S. Mail to those without email addresses on 11/1/18.

**Date:** 11/1/2018      **Action:** OTHER FILING/PLEADING

**Description**

KRISTI SHERER's Declaration. Filed by Kristi Sherer.

**Date:** 11/1/2018      **Action:** MOTION

**Description**

ERIC and LORETTA PETERSON Motion to Admit Pre-Filed Testimony, together with Declaration of Eric and Loretta Peterson. Filed by Eric and Loretta Peterson.

**Date:** 11/1/2018      **Action:** MOTION

**Description**

TILLA-BAY FARMS, INC.'s Motion to Admit Pre-Filed Testimony, together with Declaration of Kurt Mizze. Filed by Kurt Mizze.

**Date:** 11/1/2018      **Action:** MOTION

**Description**

DON AUFDERMAUER's Motion to Admit Pre-Filed Testimony (Declaration filed 10/31/18). Filed by Don Aufdermauer.

**Date:** 11/1/2018      **Action:** MOTION

**Description**

DORIS MAST's Motion to Admit Pre-Filed Testimony (Declaration filed 10/31/18). Filed by Doris Mast.

**Date:** 11/1/2018      **Action:** MOTION

**Description**

DAVID MAST's Motion to Admit Pre-Filed Testimony (Declaration filed 10/31/18). Filed by David Mast.

**Date:** 10/31/2018      **Action:** OTHER FILING/PLEADING

**Description**

DON AUFDERMAUER Declaration filed by Don Aufdermauer.

**Date:** 10/31/2018      **Action:** OTHER FILING/PLEADING



**Description**

DORIS MAST's Declaration. Filed by Doris Mast.

**Date:** 10/31/2018 **Action:** OTHER FILING/PLEADING**Description**

DAVID MAST's Declaration. Filed by David Mast.

**Date:** 10/31/2018 **Action:** MOTION**Description**

ORCA's Motion to Admit Pre-Filed Testimony of the Opening Testimony and Response Testimony and Exhibits, together with declaration of Sean Malone. Filed by Sean Malone.

**Date:** 10/31/2018 **Action:** OTHER FILING/PLEADING**Description**

ORCA's Amended Notice of Withdrawal of Cross Examination Request. Filed by Sean Malone.

**Date:** 10/31/2018 **Action:** OTHER FILING/PLEADING**Description**

ORCA's Withdrawal of Cross Examination Request. Filed by Sean Malone.

**Date:** 10/15/2018 **Action:** HEARING**Description**

NOTICE OF HEARING set for 11/1/18. Copies served electronically on 10/15/18 and via U.S. Mail to those without email addresses on 10/15/18. HEARING scheduled 11/1/2018 1:00 PM City: TILLAMOOK Room: MAIN CONF ROOM Building: PORT OF TILLAMOOK BAY Address: 4000 BLIMP BLVD Reporter: BOLAM &amp; ASSOCS Law Judge: POWER, PATRICK

**Date:** 9/12/2018 **Action:** LAW JUDGE CONFERENCE REPORT**Description**

ALJ Patrick J. Power issues Prehearing Conference Memorandum, together with draft form for the submission of testimony and adopting briefing schedule. Copies served electronically on 9/12/18 and via U.S. Mail to those without email addresses on 9/12/18.

**Date:** 9/7/2018 **Action:** MOTION**Description**

STAFF's Motion to Admit Pre-Filed Staff Testimony of Opening Testimony and Exhibits of Scott Gibbens (Staff/100-111,Gibbens), and Nadine Hanhan (Staff/200-206,Hanhan); and Cross-Answering and Reply Testimony and Exhibits of Scott Gibbens (Staff/300-305,Gibbens) and Nadine Hanhan (Staff/400-413,Hanhan); together with Declarations of Scott Gibbens and Nadine Hanhan. Filed by Johanna M. Riemenschneider.

**Date:** 8/8/2018 **Action:** CONFERENCE**Description**

NOTICE OF TELEPHONE PREHEARING CONFERENCE set for 9/11/18. Copies served electronically on 8/8/18 and via U.S. Mail to those without email addresses on 8/9/18. CONFERENCE scheduled 9/11/2018 9:30 AM Room: VIA TELEPHONE Reporter: DIGITAL Law Judge: POWER, PATRICK Please contact AHD at (503) 378-6678 or e-mail to puc.hearings@state.or.us for the dial-in number and participant access code.

**Date:** 8/2/2018 **Action:** OTHER FILING/PLEADING**Description**

Petitioner's Land Use Proceeding Status Report, and request for a prehearing conference. Filed by Tommy A. Brooks.

**Date:** 5/31/2018 **Action:** OTHER FILING/PLEADING**Description**

Petitioner's Land Use Proceeding Status Report. Filed by Tommy A. Brooks.

**Date:** 4/25/2018 **Action:** LAW JUDGE RULING/MEMORANDA

**Description**

ALJ Patrick J. Power issues Ruling; DISPOSITION: MOTION GRANTED. Copies served electronically on 4/25/18 and via U.S. Mail to those without email addresses on 4/26/18.

**Date:** 4/19/2018      **Action:** COMMENTS/RESPONSE

**Description**

Eric and Loretta Peterson's Response to Staff's Motion to Modify the Procedural Schedule (postmarked 4/17/18). Filed by Eric and Loretta Peterson.

**Date:** 4/18/2018      **Action:** COMMENTS/RESPONSE

**Description**

ORCA's Response to Staff's Motion to Modify the Procedural Schedule. Filed by Sean Malone.

**Date:** 4/17/2018      **Action:** COMMENTS/RESPONSE

**Description**

OFB's and ODFA's Response to Staff's Motion to Modify Procedural Schedule. Filed by Mary Anne Cooper and Tami Kerr.

**Date:** 4/17/2018      **Action:** COMMENTS/RESPONSE

**Description**

TPUD's Response to Staff's Motion to Modify Procedural Schedule. Filed by Tommy A. Brooks.

**Date:** 4/13/2018      **Action:** COMMENTS/RESPONSE

**Description**

ORCA's response to issues list. Filed by Sean Malone.

**Date:** 4/13/2018      **Action:** COMMENTS/RESPONSE

**Description**

TILLA-BAY FARMS, INC.'s Response to the Issues List per the prehearing conference on April 4, 2018. Filed by Kurt Mizee.

**Date:** 4/13/2018      **Action:** COMMENTS/RESPONSE

**Description**

DAVID MAST, DORIS MAST, and DON AUFDERMAUER Response to the Issues List per the prehearing conference on April 4, 2018, filed by David Mast, Doris Mast, and Don Aufdermauer.

**Date:** 4/12/2018      **Action:** COMMENTS/RESPONSE

**Description**

TILLA-BAY FARMS, INC.'s email in support of Staff's Motion filed by Kurt Mizee.

**Date:** 4/12/2018      **Action:** COMMENTS/RESPONSE

**Description**

David Mast and Doris Mast Email in Support of Staff Motion to Modify Procedural Schedule filed by David Mast and Doris Mast.

**Date:** 4/10/2018      **Action:** MOTION

**Description**

STAFF's Motion to Modify Procedural Schedule. Filed by Johanna M. Riemenschneider

**Date:** 4/5/2018      **Action:** LAW JUDGE RULING/MEMORANDA

**Description**

ALJ Patrick J. Power issues Ruling; DISPOSITION: STAFF DIRECTED TO FILE MOTION. Copies served electronically 4/5/18 and by U.S. Mail to those without email addresses 4/5/18.

**Date:** 4/2/2018      **Action:** OTHER FILING/PLEADING

**Description**

TPUD's 4/2/18 Proposed Issues List (sent to Parties by TPUD on 4/2/18). Filed by Lauren Strauch on 9/11/18.

**Date:** 3/22/2018      **Action:** CONFERENCE

**Description**

NOTICE OF TELEPHONE PREHEARING CONFERENCE scheduled for 4/4/2018 2:00 PM. Copies served 3/22/18. Reporter: DIGITAL Law Judge: POWER, PATRICK

**Date:** 3/16/2018      **Action:** CROSS EXAM STATEMENT

**Description**

TPUD's Cross-Examination Statement. Filed by Tommy A. Brooks.

**Date:** 3/16/2018      **Action:** CROSS EXAM STATEMENT

**Description**

STAFF's Cross-Examination Statement. Filed by Johanna M. Riemenschneider.

**Date:** 3/16/2018      **Action:** CROSS EXAM STATEMENT

**Description**

Oregon Coast Alliance's (ORCA's) Cross-Examination Statement. Filed by Sean Malone.

**Date:** 3/6/2018      **Action:** LAW JUDGE RULING/MEMORANDA

**Description**

ALJ Patrick J. Power issues Ruling: DISPOSITION: CROSS-EXAMINATION ESTIMATES TO BE FILED. Copies served electronically 3/6/18 and by U.S. Mail to those without email addresses 3/7/18.

**Date:** 3/2/2018      **Action:** TESTIMONY & EXHIBITS

**Description**

TILLAMOOK PEOPLE'S UTILITY DISTRICT's Cross-Answering Testimony and Exhibits of KC Fagen (TPUD/300-310,Fagen). Filed by Britta Henry.

**Date:** 3/2/2018      **Action:** TESTIMONY & EXHIBITS

**Description**

STAFF's Cross-Answering and Reply Testimony and Exhibits of Scott Gibbens (Staff/300-305,Gibbens) and Nadine Hanhan (Staff/400-413,Hanhan); Filed by Johanna M. Riemenschneider. (Note: Exhibits Staff/404-111,Hanhan is too voluminous and not posted; but have been mailed per cover letter.)

**Date:** 3/2/2018      **Action:** TESTIMONY & EXHIBITS

**Description**

ORCA Response Testimony and Exhibits A-E of Sean Malone (Exhibit A, PGE power lines linked to wine country fires; Exhibit B, Quantifying the Economic Risk of Wildfires and Power lines in San Diego County; Exhibit C, Tillamook County Staff Report; Exhibit D Transmission vs. distribution power lines; Exhibit E, Difference between Transmission and Distribution Line). Filed by Sean Malone.

**Date:** 3/2/2018      **Action:** TESTIMONY & EXHIBITS

**Description**

DAVID MAST's Reply Testimony (David Mast/200). Filed by David Mast.

**Date:** 3/2/2018      **Action:** TESTIMONY & EXHIBITS

**Description**

DORIS MAST's Reply Testimony (Doris Mast/200). Filed by Doris Mast.

**Date:** 3/2/2018      **Action:** TESTIMONY & EXHIBITS

**Description**

TILLA-BAY FARMS, INC.'s Reply Testimony of Kurt Mizze (11 pages). Filed by Kurt Mizze.

**Date:** 2/7/2018**Action:** TESTIMONY & EXHIBITS**Description**

Oregon Coast Alliance's (ORCA) Testimony of Sean T. Malone (5 pages, Filed 2/7/18). Filed by Sean T. Malone.

**Date:** 2/7/2018**Action:** TESTIMONY & EXHIBITS**Description**

The Oregon Farm Bureau Federation's (OFB) and Oregon Dairy Farmers Association's (ODFA) Joint Testimony of OFB and ODFA of Mary Anne Cooper and Tami Kerr (November 14, 2017 Letter to ALJ Power). Filed by Mary Anne Cooper and Tami Kerr.

**Date:** 2/7/2018**Action:** TESTIMONY & EXHIBITS**Description**

Kristi Sherer's Testimony (February 6, 2018 Letter to ALJ Power) together with Exhibit 1, Memorandum of Agreement; Exhibit 2, Page 5 of Utility Market Initiative, Oregon Wave Energy Project). Filed by Kristi Sherer.

**Date:** 2/7/2018**Action:** TESTIMONY & EXHIBITS**Description**

STAFF's Opening Testimony and Exhibits of Scott Gibbens (Staff/100-111,Gibbens) and Nadine Hanhan (Staff/200-206,Hanhan); Filed by Kay Barnes.

**Date:** 2/5/2018**Action:** TESTIMONY & EXHIBITS**Description**

Eric and Loretta Peterson Testimony (February 5, 2018 Letter), together with Exhibits (December 12, 2017 Letter re: Written Comments of Eric Peterson; October 31, 2017 Letter from TPUD with an Easement, December 6, 2017 statement, Map of Proposed Easement Area, First American Title Map with Exhibit A). Filed by Eric Peterson.

**Date:** 2/5/2018**Action:** TESTIMONY & EXHIBITS**Description**

TILLA-BAY FARMS, INC.'s Testimony of Kurt Mizee (January 26, 2019 Letter), together with Exhibits 1-9. Filed by Kurt Mizee.

**Date:** 1/16/2018**Action:** OTHER FILING/PLEADING**Description**

The Headlight Herald's Affidavit of Publication of 11/14/17 Notice of Public Comment Hearing and Conference published 10/25/17 and 11/1/17. Filed by Tina Sue Bauer.

**Date:** 1/12/2018**Action:** TESTIMONY & EXHIBITS**Description**

DAVID MAST's Testimony and Exhibits 1-9. Filed by David Mast.

**Date:** 1/11/2018**Action:** TESTIMONY & EXHIBITS**Description**

DORIS MAST's Testimony and Exhibits 1-7. Filed by Doris Mast.

**Date:** 1/11/2018**Action:** TESTIMONY & EXHIBITS**Description**

AUFDERMAUER FARMS's Testimony of Don and Dana Aufdermayer (December 2, 2017 Letter), together with Exhibits (December 4, 2017 Letter to TPUD, November 14, 2017 Letter to ALJ Power, and 5 page Petition of Property Owners). Filed by Don Aufdermayer.

**Date:** 1/8/2018**Action:** LAW JUDGE RULING/MEMORANDA**Description**

ALJ Patrick Power issues Ruling; DISPOSITION: MOTION GRANTED. Copies served on 1/8/18.

**Date:** 1/3/2018**Action:** LAW JUDGE RULING/MEMORANDA**Description**

ALJ Patrick J. Power issues ruling: Response time shortened. Copies served electronically 01/03/18 and by US Mail to those without email addresses 01/04/18.

**Date:** 1/3/2018      **Action:** MOTION 

**Description**

STAFF's Motion to Amend Procedural Schedule [Expedited Consideration Requested], filed by Johanna Riemenschneider.

**Date:** 1/3/2018      **Action:** SERVICE LIST CHANGE 

**Description**

STAFF's Request to Change the Service List, removing Geoffrey Ihle and adding Nadine Hanhan. Filed by Johanna Riemenschneider.

**Date:** 12/12/2017      **Action:** LAW JUDGE RULING/MEMORANDA 

**Description**

ALJ Power issues Ruling; Disposition: Petitions to Intervene Granted. Notice of Contested Case Rights and Procedures attached. Copies served electronically electronically and by US Mail to those without email addresses 12/12/17..

**Date:** 12/5/2017      **Action:** PETITION TO INTERVENE 

**Description**

Oregon Dairy Farmers' Petition to Intervene. Filed by Tami Kerr.

**Date:** 12/5/2017      **Action:** TESTIMONY & EXHIBITS

**Description**

Oregon Coast Alliance's Testimony of Sean T. Malone (November 14, 2017 letter to ALJ Power), received with Petition to Intervene. Filed by Sean T. Malone. (See Petition to Intervene entry for electronic version.)

**Date:** 12/5/2017      **Action:** PETITION TO INTERVENE 

**Description**

Oregon Coast Alliance's Petition to Intervene, together with testimony. Filed by Sean T. Malone.

**Date:** 12/5/2017      **Action:** PETITION TO INTERVENE 

**Description**

Kristi Sherer's Petition to Intervene. Filed by Kristi Sherer.

**Date:** 12/5/2017      **Action:** PETITION TO INTERVENE 

**Description**

Kurt Mizze's Petition to Intervene. Filed by Kurt Mizze.

**Date:** 12/5/2017      **Action:** PETITION TO INTERVENE 

**Description**

Oregon Farm Bureau Federation's Petition to Intervene. Filed by Mary Anne Cooper.

**Date:** 12/4/2017      **Action:** PETITION TO INTERVENE 

**Description**

Todd A. Josi's Petition to Intervene. Filed by Todd A. Josi.

**Date:** 12/4/2017      **Action:** PETITION TO INTERVENE 

**Description**

Don Aufdermauer's Petition to Intervene. Filed by Don Aufdermauer.

**Date:** 11/16/2017      **Action:** LAW JUDGE CONFERENCE REPORT 

**Description**

ALJ Patrick Power issues Prehearing Conference Memorandum; Notice of Contested Case Rights pursuant to ORS 183.413 attached. Copies served electronically 11/16/17 and via U.S. Mail to those without email addresses 11/16/17.



**Date:** 11/14/2017 **Action:** PETITION TO INTERVENE



**Description**

Eric L. Peterson's Petition to Intervene. Filed by Eric L. Peterson.

**Date:** 11/14/2017 **Action:** PETITION TO INTERVENE



**Description**

Bryce Smith's Petition to Intervene. Filed by Bryce Smith.

**Date:** 11/14/2017 **Action:** PETITION TO INTERVENE



**Description**

David Mast's Petition to Intervene. Filed by David Mast.

**Date:** 11/14/2017 **Action:** PETITION TO INTERVENE



**Description**

Doris Mast's Petition to Intervene. Filed by Doris Mast.

**Date:** 11/14/2017 **Action:** PETITION TO INTERVENE



**Description**

Ben Hathaway's Petition to Intervene. Filed by Ben Hathaway.

**Date:** 10/25/2017 **Action:** CONFERENCE

**Description**

NOTICE OF PREHEARING CONFERENCE immediately following PUBLIC COMMENT HEARING scheduled 11/14/2017 6:00 PM (See Public Comment Hearing notice (combined notice) for electronic version). PREHEARING CONFERENCE scheduled 11/14/2017 7:00 PM City: TILLAMOOK Room: ROOMS 214/215 Building: TILLAMOOK BAY COMMUNITY COLLEGE Address: 4301 THIRD ST Reporter: DIGITAL Law Judge: POWER, PATRICK

**Date:** 10/25/2017 **Action:** PUBLIC COMMENT HEARING



**Description**

NOTICE OF PUBLIC COMMENT HEARING & PREHEARING CONFERENCE; Copies served electronically to docket PCN 2, Interested counties and cities, & Electric List 10/25/17; Via U.S. Mail to affected property owners & those without email addresses 10/25/17. Notice also to publish in The Headlight Herald 10/25/17 & 11/1/17. PUBLIC COMMENT HEARING scheduled 11/14/2017 6:00 PM PREHEARING CONFERENCE immediately following City: TILLAMOOK Room: ROOMS 214/215 Building: TILLAMOOK BAY COMMUNITY COLLEGE Address: 4301 THIRD ST Reporter: DIGITAL Law Judge: POWER, PATRICK

**Date:** 10/23/2017 **Action:** OTHER FILING/PLEADING



**Description**

TILLAMOOK PUD's Request for Huddle Access, filed by Tommy Brooks.

**Date:** 10/6/2017 **Action:** TESTIMONY & EXHIBITS



**Description**

TILLAMOOK PUD's Testimony of Todd Simmons (TPUD/100-106, Simmons) and KC Fagen (TPUD/200-212, Fagen). Filed by Tommy Brooks.

**Date:** 10/6/2017 **Action:** INITIAL (APPLICATION, COMPLAINT, PETITION)



**Description**

In the Matter of TILLAMOOK PEOPLE'S UTILITY DISTRICT, Petition for Certification of Public Convenience and Necessity. Filed by Tommy Brooks. [Served to Electric Industry List]

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**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

Docket No. PCN 2

In the Matter of TILLAMOOK PEOPLE'S  
UTILITY DISTRICT,

CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY

PETITION TO INTERVENE

Oregon Dairy Farmers Association petitions to intervene in this proceeding. In support of this petition, the following is provided:

1. The contact information (name, address, email address) of the petitioner is:

Name: Tami Kerr  
Company: Oregon Dairy Farmers Association  
Street Address: 1320 Capitol Street NE, Suite 160  
City, State, Zip: Salem, OR 97301  
Email Address: tami.kerr@oregondairyfarmers.org  
Telephone: 971-599-5269

Please include this contact on the service list.

2a. The petitioner  will  will not be represented by counsel in this proceeding. The contact information for petitioner's counsel to be included on the service list is:

Name:  
Company:  
Street Address:  
City, State, Zip:  
Email Address:  
Telephone:

2b. Additional contacts to be included on the service list (a petitioner is limited to three contacts on the service list):

Name: Chad Allen  
Company: ODFA Board President  
Street Address: 2935 Old Latimer Rd  
City, State, Zip: Tillamook, OR 97141  
Email Address: victordairy@centurylink.net  
Telephone: 503-801-1097

Name:  
Company:  
Street Address:  
City, State, Zip:  
Email Address:  
Telephone:

3. If the petitioner is an organization, the number of members in and the purposes of the organization:

Oregon Dairy Farmers Association (ODFA) represents the 228 multi-generational Grade A dairy farms in Oregon. ODFA strives to create an atmosphere that is conducive for all Oregon dairy producers.

List of Members attached

4. The nature and extent of the Petitioner's interest in the proceeding is:

ODFA has a direct interest in these proceedings as we have 90 producers in Tillamook County, several of whom will be directly impacted by Tillamook People's Utility District's authorization of the construction of an 8.6 mile overhead transmission line through valuable agricultural land in Tillamook County. The construction of the transmission line would have substantial impacts to current farming practices including nutrient application.

5. The issues the Petitioner intends to raise at the proceeding are:

ODFA intends to address whether the proposed transmission line is necessary and whether it can or should receive land use approval at the local level, as outlined in our joint comments with Oregon Farm Bureau dated November 14, 2017. The loss of the ability to farm and use current farming practices along with the division of farm land is also very concerning.

6. The special knowledge or expertise of the Petitioner that would assist the Commission in resolving the issues in the proceeding is:

ODFA has represented the Oregon dairy industry since 1892. Tami Kerr, Executive Director of ODFA, and Chad Allen, ODFA Board President and Tillamook dairy farmer, have extensive knowledge and expertise in public policy and land use issues.

7. Based on the information provided above in accordance with the Commission's rules of procedure, I request to participate in this proceeding as an intervenor. I or the organization that I represent will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding. OAR 860-001-0300.

Jami Kern

Petitioner or Petitioner's Representative

12/5/17

Date Signed





November 14, 2017

Oregon Public Utility Commission  
Administrative Law Judge Patrick Power  
Attn: PCN 2  
PO Box 1088  
Salem, Oregon 97308

*Via email:* puc.hearings@state.or.us

**RE: Oregon Farm Bureau, Tillamook County Farm Bureau, and Oregon Dairy Farmers Association Comments on the Tillamook PUD Application for a Certificate of Public Convenience and Necessity**

Dear ALJ Power,

The Oregon Farm Bureau Federation (OFB), Tillamook County Farm Bureau (TCFB) and Oregon Dairy Farmers Association (ODFA) appreciate the opportunity to comment on the Tillamook People's Utility District's (Tillamook PUD) petition for a Certificate of Public Convenience and Necessity ("CPCN") authorizing the construction of an 8.6-mile-long overhead transmission line through valuable agricultural land in Tillamook County. OFB, TCFB and ODFA do not believe that this transmission line is necessary or that it presently can or should receive land use approval at the local level. We urge the PUC not to approve this application.

By way of background, OFB is a voluntary, grassroots, nonprofit organization representing Oregon's farmers and ranchers in the public and policymaking arenas. As Oregon's largest general farm organization, its primary goal is to promote educational improvement, economic opportunity, and social advancement for its members and the farming, ranching, and natural resources industry. Today, OFB represents over 7,000-member families professionally engaged in the industry and has a total membership of over 60,000 Oregon families. TCFB is the voice of agriculture in Tillamook County, representing members across Tillamook County, including several who would be impacted by this project.

The ODFA was founded in 1892 to work on behalf of the Oregon dairy farmers. Today, ODFA represents Oregon's 240 dairy farming families. Dairy farms are located in 20 counties and approximately 125,000 cows call Oregon "home." ODFA works to create an atmosphere that is conducive for Oregon dairy producers of all sizes and types of production in all areas of the state.

Tillamook PUD has not demonstrated the necessity of this transmission line. We understand that Tillamook PUD first proposed this project in the late 2000s, and they are basing their demand projections on growth experienced prior to 2011. The demand estimates used in the application do not account for the recent slowing of demand. Indeed, data from the Tillamook PUD shows that demand has been flat or decreasing since 2011, and has a purchase contract with BPA that

estimates future load growth at .25%, not the 1.1% stated in the application. Additionally, the Tillamook PUD appears to have increased its loading estimates since it initiated the Citizen's Advisory Group process in 2014, with actual loading somewhere in the 60% range. Tillamook PUD has not adequately explained the discrepancies in its demand estimates and projected need, and has not adequately explained why this project is necessary in the face of slowing demand. We urge the PUC to closely evaluate the Tillamook PUD's demand and load projections and the need for this project.

Tillamook PUD has also drastically overstated its ability and likelihood to be granted land use approval. While we appreciate Tillamook PUD's work to engage community members in reviewing and commenting on the proposed route for the transmission line, Tillamook PUD has not secured approval of most of the farmers whose property and livelihood will be impacted by the line nor have they accurately captured the myriad of negative impacts the proposed transmission line could have on agricultural operations within its route.

Contrary to what the PUD states in its application, the proposed transmission line is not permitted outright. It may be permitted only after found to be consistent with ORS 215.275. This statute involves discretionary review/approval criteria and constitutes a land use decision. We understand that Tillamook PUD has filed an application with the County, but that application was incomplete and has not begun to move through the permitting process.

The PUC should not approve the application for a Certificate of Public Convenience and Necessity as Tillamook PUD is not guaranteed to secured its local land use approval. Utility facilities may only be permitted in EFU zones if the utility can meet certain criteria, including demonstrating that the route must pass through farm zoned land and minimizing impact on agricultural uses. Tillamook PUD provides only a short paragraph noting that it has located the transmission line along edges of fields and property lines as far as possible. This statement does not demonstrate land use compatibility. Tillamook PUD has not addressed farming practices along the route, any conflicts with the transmission line, any potential mitigation it will provide for the farmers, and a myriad of other issues associated with agricultural compatibility.

Given that the construction and operation of the transmission line will be severely disruptive to the agricultural operations along the route, Tillamook PUD has not demonstrated that its proposed transmission line will receive land use approval. Construction of a transmission line will preclude impacted farmers from utilizing large portions of their property and require significant changes in farming practices during construction. Operation of the line can impact the ability to apply nutrients, aerially address pest and weed issues, and utilize drone technology to assist their operations. Additionally, we have had several reports of impacts to cattle from stray voltage along Tillamook PUD lines that the utility has not addressed. Tillamook PUD has not demonstrated that its line will be compatible with the impacted agricultural operations, that it can mitigate any impacts, or that siting through agricultural lands is necessary. Until the required conditional use permit is approved by Tillamook County, the PUC cannot determine compatibility with the applicable Statewide Planning Goals or the Tillamook County Comprehensive Plan. Tillamook PUD is not guaranteed land use approval, and its application should not be granted absent such approval.

The Tillamook PUD also failed to fully consider all alternatives to the proposed transmission line. The Tillamook PUD’s application dismisses both alternatives to the transmission line as well as alternative routes because it states that neither meet its needs.

As we discussed above, Tillamook PUD has not demonstrated that a new transmission line is necessary or that it can get permit approval for a new transmission line. Tillamook PUD should be required to more fully evaluate and consider upgrading existing facilities instead of dismissing those options as not meeting its needs.

Additionally, even if they can demonstrate need, Tillamook PUD has not fully evaluated alternative routes for a transmission line. Tillamook PUD states that the “alternative routes are reasonable,” but not preferable. They mention costs as a consideration. Cost alone may not be a basis for failing to choose alternative routes under the applicable land use standards. *See* ORS 215.275(3)(“cost alone shall not be the only consideration in determine that a utility facility is necessary... [and] land costs shall not be included considering alternative locations...”).

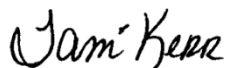
In this case, Tillamook PUD’s proposed transmission line route is the most cost effective largely because Tillamook PUD assumes that it will be able to acquire easements on agricultural land at sub-market rates, either through purchase or condemnation. Tillamook PUD must include reasonable cost estimates in evaluating the cost of acquisition and should not be permitted to base its estimates on sub-market rates for agricultural land. If Tillamook PUD correctly estimates the costs associated with siting on agricultural land, the cost relative to other routes will become more realistic. At any rate, Tillamook PUD must fully evaluate alternative routes, even those where easement acquisition may cost them more.

Thank you for the opportunity to provide comments on Tillamook PUD’s Application for a Certificate of Public Convenience and Necessity. If you have any questions, please do not hesitate to contact Mary Anne Cooper at [maryanne@oregonfb.org](mailto:maryanne@oregonfb.org) or Tami Kerr at [Tami.kerr@oregondairyfarmers.org](mailto:Tami.kerr@oregondairyfarmers.org).

Sincerely,



Mary Anne Cooper  
Public Policy Counsel  
Oregon Farm Bureau Federation



Tami Kerr  
Executive Director  
Oregon Dairy Farmers Association

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

PCN 2

In the Matter of

TILLAMOOK PEOPLE’S UTILITY  
DISTRICT,

CERTIFICATION OF PUBLIC  
CONVENIENCE AND NECESSITY

PETITION TO INTERVENE OF  
OREGON FARM BUREAU

Pursuant to ORS 756.525 and OAR 860-001-0300(2), the Oregon Farm Bureau Federation (“OFB”) hereby petitions the Oregon Public Utility Commission (“Commission”) to intervene in this proceeding with full party status as described in OAR 860-001-0010(7). In support of this petition, OFB provides the following:

1. The contact information for OFB is:

Oregon Farm Bureau Federation  
1320 Capitol St. NE  
Suite 200  
Salem, OR 97301  
Telephone: (503) 399-1701  
Fax: (503) 399-8082

2. The contact information for OFB’s counsel to be included on the service list is:

Mary Anne Cooper  
Public Policy Counsel  
Oregon Farm Bureau Federation  
1320 Capitol St. NE, Suite 200  
Salem, OR 97301  
Telephone: (503) 399-1701 Ext. 306  
E-Mail: Maryanne@oregonfb.org

3. OFB is a voluntary, grassroots, nonprofit organization representing Oregon’s farmers and ranchers in the public and policymaking arenas. As Oregon’s largest general farm

organization, its primary goal is to promote educational improvement, economic opportunity, and social advancement for its members and the farming, ranching, and natural resources industry. Today, OFB represents over 7,000-member families professionally engaged in the industry and has a total membership of over 60,000 Oregon families.

4. OFB has a direct and substantial interest in these proceedings as OFB has 177 members in Tillamook County, several of whom will be directly impacted by Tillamook People's Utility District's authorization of the construction of an 8.6-mile-long overhead transmission line through valuable agricultural land in Tillamook County.
5. OFB intends to address whether the proposed transmission line is necessary and whether it can or should receive land use approval at the local level, as outlined in our comments on the line dated November 14, 2017.
6. Through its representation of Oregon's family farmers and ranchers, OFB has acquired extensive expertise in virtually every aspect of public policy that touches agriculture, including agricultural land use policy.

///



Based on the information provided herein in accordance with the Commission's rules of procedure, OFB respectfully requests to intervene as a party in this proceeding, with all rights appropriate to that status. OFB's participation in this proceeding will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding.

DATED this 5th day of December, 2017.

Respectfully submitted,



Mary Anne Cooper, OSB #104586

Public Policy Counsel

Oregon Farm Bureau Federation

1320 Capitol St. NE, Suite 200

Salem, OR 97301

Telephone: (503) 399-1701 Ext. 306

E-Mail: [Maryanne@oregonfb.org](mailto:Maryanne@oregonfb.org)



**AGENDA ITEM COVER SHEET**  
**Morrow County Board of Commissioners**  
**(Page 2 of 2)**

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**1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):**

The attached budget resolution request R-2020-11 in the matter of increasing appropriations within the Morrow County General Fund, and Community Corrections, Pursuant to OR 294.463(1).

The General Fund - increase in variance departments for unforeseen increase in appropriations that include additional, transfer station(s) materials and services, and the Health Department Patagonia electronic health record project. The approved budget transfer resolution would increase appropriations in materials & services, and capital outlay as reflected in the attachment.

**2. FISCAL IMPACT:**

Increase budget appropriations in General Fund in the amount of \$285,800

**3. SUGGESTED ACTION(S)/MOTION(S):**

1. Move to approve Budget Transfer Resolution R-2020-11 as written.

Attach additional background documentation as needed.

**BEFORE THE BOARD OF COMMISSIONERS FOR  
MORROW COUNTY, OREGON**

IN THE MATTER OF )  
 APPROPRIATIONS FOR FISCAL ) RESOLUTION NO. R-2020-11  
 YEAR BEGINNING JULY 1, 2019 )

BE IT RESOLVED that the amounts shown below are hereby appropriated for the fiscal year beginning July 1, 2019, for the following purposes:

	Current Appropriations	Increase (Decrease)	Amended Budget
<b>GENERAL FUND</b>			
Health Department	\$ 1,441,559	\$ 25,000	\$ 1,466,559
Transfer Station-North	\$ 31,345	\$ 22,900	\$ 54,245
Transfer Station-South	\$ 47,600	\$ 21,000	\$ 68,600
Non-Departmental	\$ 7,397,691	\$ 74,000	\$ 7,471,691
<b>Total Increase/(Decrease) General Fund</b>	<b>\$ 19,804,760</b>	<b>\$ 142,900</b>	<b>\$ 19,947,660</b>
		<b>Total APPROPRIATIONS, All Funds</b>	<b>\$ 39,179,930</b>
		<b>Total Unappropriation and Reserve Amounts, All Funds</b>	<b>\$ 5,331,965</b>
		<b>TOTAL ADOPTED BUDGET</b>	<b>\$ 44,511,895</b>

Dated this 10th day of June 10, 2020

**MORROW COUNTY BOARD OF  
COMMISSIONERS  
MORROW COUNTY, OREGON**

\_\_\_\_\_  
 Melissa Lindsay, Chair

\_\_\_\_\_  
 Don Russell, Commissioner

\_\_\_\_\_  
 Jim Doherty, Commissioner

Approved as to Form:

\_\_\_\_\_  
 Morrow County Counsel

PACKET: 00139-R-2020-11 Budget Res FY 19-20

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000295 -----							
101 100-3-10-9002	6/10/2020	R-2020-11 Bdgt Res	117,900.00	8,731,607.00-	78,587.00	8,928,094.00-	509,636.26
TAXES NECESSARY TO BAL BU							
DEPT: NON-DEPARTMENTAL							
101 122-5-20-2215	6/10/2020	R-2020-11 Bdgt Res	18,000.00	8,000.00	0.00	26,000.00	3,068.08
SANITARY DISPOSAL							
DEPT: NORTH TRANSFER STATION							
101 122-5-20-2510	6/10/2020	R-2020-11 Bdgt Res	1,300.00	0.00	0.00	1,300.00	107.64
RESERVATION PROC. FEES							
DEPT: NORTH TRANSFER STATION							
101 122-5-20-3812	6/10/2020	R-2020-11 Bdgt Res	3,000.00	3,019.00	0.00	6,619.00	3,349.00
EQUIPMENT & RENTAL							
DEPT: NORTH TRANSFER STATION							
101 122-5-20-3812	6/10/2020	R-2020-11 Bdgt Res	600.00	3,019.00	0.00	6,619.00	3,349.00
EQUIPMENT & RENTAL							
DEPT: NORTH TRANSFER STATION							
101 123-5-20-2215	6/10/2020	R-2020-11 Bdgt Res	18,000.00	32,000.00	0.00	50,000.00	1,354.56
FINLEY BUTTES FEES							
DEPT: SOLID WASTE TRNS STATION							
101 123-5-20-3212	6/10/2020	R-2020-11 Bdgt Res	3,000.00	0.00	0.00	3,000.00	278.10
ADVERTISING							
DEPT: SOLID WASTE TRNS STATION							
101 199-5-20-3140	6/10/2020	R-2020-11 Bdgt Res	18,000.00	28,000.00	0.00	46,000.00	1,053.96
MISC PROFESSIONAL SERVICE							
DEPT: NON-DEPARTMENTAL							
101 199-5-20-3530	6/10/2020	R-2020-11 Bdgt Res	56,000.00	112,000.00	0.00	168,000.00	759.68
LIAB/PROPERTY INSURANCE							
DEPT: NON-DEPARTMENTAL							
101 114-3-30-3471	6/10/2020	R-2020-11 EOCCO Gra	25,000.00	22,500.00-	0.00	47,500.00-	9,138.65
TRANSFORMATION GRANT							
DEPT: HEALTH DEPARTMENT							
101 114-5-40-4402	6/10/2020	R-2020-11 Patagonia	25,000.00	0.00	0.00	25,000.00	25,000.00
OFFICE EQUIPMENT							
DEPT: HEALTH DEPARTMENT							
PACKET NOTES:							
TOTAL NO. ADJUSTMENTS--REVENUE:					2	142,900.00	
TOTAL NO. ADJUSTMENTS--EXPENSE:					9	142,900.00	
TOTAL IN PACKET---						<u>285,800.00</u>	



PACKET: 00139-R-2020-11 Budget Res FY 19-20

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000295							

\*\*\* NO WARNINGS \*\*\*

\*\*\* NO ERRORS \*\*\*

\*\*\* END OF REPORT \*\*\*

Transfer Stations

**Kate Knop**

---

**From:** Sandra Pointer  
**Sent:** Monday, June 8, 2020 1:44 PM  
**To:** Kate Knop  
**Cc:** Matt Scrivner  
**Subject:** RE: Transfer Station North & South.pdf

Yes Kate, I can try to help a little.

The **North** Transfer the G/L code 2215 and 2216 are switched in beginning fund allotment. The 2215 GL loan should have the 19,600.00 that was budgeted. The Sanitary Services code 2216 (toilet) should be only \$100.00 a month so \$1,200.00 if all goes well for the year, (Not real certain, how these numbers got odd).

It is really hard to get an estimated cost of waste that comes in, Weather and events is a huge factor and with COVID and accepting free disposal in April to date I see a 25% increase accepting free items.

In January/February time frame our hauler/Sanitary Disposal Inc. Raised their rates causing a 17% increase in their fees to us, after looking at the detailed reports I do see this fee reflecting. It took us a little bit of time to get our fees increased so the advertising G/L line 3230 took some additional for this.

G/L code 3812 Equipment & Rental, We had rented a fence perimeter for several months when we had to get the scale set and letting the platform cure as it was concrete. Keeping public out of the area in fear of danger and it was a pretty good pit in the ground.

The **South** Transfer the G/L code 2215 again this is always hard to estimate what drives folks to the stations, weather, events and purchases you see a big cleanup of areas. Again in April due to COVID 19 accepting for free. I see an increase of at least 45% at the South end.

G/L code 3212 Advertising was due to the fee increase and educating all of the point of sale system in January. Then a large jump in expenses when advertising for COVID 19 free dumping.

Hope this explains some and if you want me to explain better detail for your report let me know.

---

**From:** Kate Knop  
**Sent:** Monday, June 8, 2020 12:07 PM  
**To:** Sandra Pointer <spointer@co.morrow.or.us>  
**Cc:** Matt Scrivner <mscrivner@co.morrow.or.us>  
**Subject:** Transfer Station North & South.pdf  
**Importance:** High

Hi Sandi,

It is year-end again and I am reviewing the budget for necessary adjustments to keep the county compliant. I noticed both the North & South Transfer Stations are exceeding budget appropriations. Can you review the attached and let me know why the following are in excess of the adopted budget? (I need to include your response in the narrative.)

#101-122-5-20-2215 Sanitary Disposal <\$14,931.92>  
#101-122-5-20-3230 Advertising <\$2,695.41>  
#101-122-5-20-3812 Equipment & Rental <\$251>

#101-123-5-20-2215 Finley Buttes Fees <\$16,645.44>  
#101-123-5-20-3212 Advertising <\$2,721.90>

Funds Need for Cost of Equipment for Patagonia

8-Jun-20

Explanation			Total Cost
Jordan's Quote for supplies please see attached			\$ 1,990.11
Ahler's quote for PDF for all our clients records in Practice Suite (see attached) For Budget purposes I am going on the high side.			\$ 5,200.00
Patagonia			\$ 60,084.00
		\$ -	\$ 67,274.11

Eocco Grant \$ 25k

Programming \$ 42,275

**EOCCO Community Benefit Initiative Reinvestment Program  
Agreement**

**Grantor:** Eastern Oregon Coordinated Care Organization, LLC (“EOCCO”)  
601 SW 2nd Avenue  
Portland, Oregon 97204

**Grantee:** Morrow County Health Department  
P.O. Box 799, 110 Court Street,  
Heppner, Oregon, 97836  
Principal Contact: Diane Kilkenny- Morrow County Interim Health  
Department Director

**Project Title:** Morrow County Public Health Electronic Health Record Implementation

**Total Amount of Grant:** \$25,000 (“the Grant Funds”)

**Grant Period:** May 1, 2020 – April 30, 2021 (the “Grant Period”)

**A. Purpose of Grant Agreement**

The Eastern Oregon Coordinated Care Organization (EOCCO) is investing in a sixth round of Transformation Grants and Local Community Advisory Council (LCAC) Grants to further EOCCO’s transformation plans and support clinical and community efforts toward achieving the Triple Aim.

The purpose of this agreement (the “Grant Agreement”) is to enable EOCCO to award the Grant Funds to the Grantee for eligible costs of the project as described in the following attached exhibits that are fully incorporated into this Grant Agreement.

**Exhibit A: Proposal**

**Exhibit B: Progress Report 1 Template**

**Exhibit C: Progress Report 2 Template**

**Exhibit D: Final Report Template**

**B. Term**

This Grant Agreement shall be effective from May 1, 2020 – April 30, 2021 (the “Contract Term”).

**C. Design and Implementation of Project**

Grantee agrees to complete the project in accordance with the plans and specifications contained in its application during the designated term.

EOCCO and the Grantee may agree in writing to modify the objectives, methods, or Grant Period for which Grant Funds have been awarded. Grantee agrees to notify EOCCO within 30 days of the change about any significant change in personnel of the project and any development that significantly affects operations of the project or Grantee.

**D. Contingencies**

Grantee agrees to the following:

The grant period shifted from 4/1/20-3/31/21 to 5/1/20-4/30/21.

**E. Disbursement Schedule**

Grant Funds shall be disbursed during the Contract Term in three payments subject to the terms and conditions of this Grant Agreement. The first and second payments will each consist of 45% of the Grant Funds, for a total of 90% of the Grant Funds. The final payment shall consist of the final 10% of the Grant Funds. The three payments shall be made according to the following schedule:

After contract execution	\$11,250
After review and approval of first Progress Report	\$11,250
After review and approval of Final Report	\$2,500

**F. Records**

Grantee shall provide EOCCO, upon request, with all information relating to the results, findings or methods, and/or publications developed under the Grant. EOCCO may withhold Grant Funds if it has not received all Reports and additional requested information required to be submitted by Grantee if such reports and/or requested information does not meet EOCCO's reporting requirements. Any Reports may be disseminated by EOCCO, both during and after the Contract Term without the prior written consent of Grantee.

Grantee shall maintain all financial records related to this Grant Agreement in accordance with generally accepted accounting principles. Grantee shall retain such financial records for at least three (3) years after the end of the Contract Term.

At the request of EOCCO, Grantee shall permit reasonable access to its files, records, accounts and personnel associated with the Grant by EOCCO or its designated representatives for the purpose of conducting financial audits, verifications, and program evaluations concerning this Grant in EOCCO's sole discretion. EOCCO shall provide Grantee reasonable prior notice, when possible, of its intent to access records.

**G. Grant Reports and Reconciliation**

Grantee shall submit written periodic progress reports (each a "Progress Report") on Grant activities, budget changes, and expenditures using the form attached hereto as Exhibit B. Further Grantee agrees to submit a final written report (the "Final Report" and collectively with all Progress Reports, the "Reports") on the evaluation form attached hereto as Exhibit C. All Reports must be received by EOCCO according to the dates listed below. The templates attached in Exhibit B and Exhibit C are subject to change by EOCCO in its sole discretion. EOCCO will notify Grantee of any change to the templates contained in Exhibit B and C no later than 30 days before the deadlines specified below.





P.O. Box 788 • Heppner OR 97836  
(541) 676-5618

Community Development

Gregg Zody, AICP  
Director  
gzody@co.morrow.or.us

MEMORANDUM

TO: Board of Commissioners

THROUGH: Darrell Green, County Administrator and Interim Human Resources Director

FROM: Gregg Zody *GZ*  
Director, Community Development

SUBJECT: Community Development Monthly Report for May-June, 2020

DATE: June 6, 2020

**Fair Board**

1. Meeting scheduled for June 10, 2020 at 6:30 p.m. to discuss next steps for potential Fair-related activity with regards to Phase II;
2. I plan on initiating a Fairgrounds Action Plan as a means for the Board of Commissioners, Schools (maybe), the City of Heppner (and other localities in the Counties?), and Fair Board to collaborate on a vision for the Fairgrounds as a means of increasing economic development and tourism opportunities for both Boards. Before moving too hastily, I would like to develop a rough outline with Ann to present to the respective Boards.

**Loop**

1. Develop a rough outline for an action plan to present to the Board and Port of Morrow to develop a collaborative action plan for the fixed route and develop future goals and objectives for the program;
2. Continue to update Loop webpage;
3. In the very near future, we would like to begin interviewing candidates asap. Unfortunately, at this time the candidate pool is very shallow. We will continue working with the County Administrator/Interim Human Resources Director.

## **Planning**

### **RV Campgrounds**

1. Staff met with representatives from NextEra a couple of weeks ago (May 15) via Zoom, and we were informed that approximately 56 RV's associated with the project were located in the RV parks or private property in Heppner, Lexington, Ione, Boardman, and Irrigon. If that is true, that becomes a jurisdictional and enforcement issue for each locality if there are on-site issues or complaints. Of course, I would recommend the County collaborate with the localities if there are reported issues to ensure public health, safety, and welfare.

After multiple discussions with DCLD staff regarding this issue and several possible solutions, I think the simplest solution (aside from ignoring the matter, which was an option, albeit undesirable) is identifying all of the property owners within the Wheatridge project boundary and send them a diplomatic letter inquiring whether they have RV camping for workers on their property.

I have the property owner information (within the project boundaries) from our GIS Planner to mail the inquiry letter. If the property owner responds in the affirmative, then I will issue a temporary use permit at no charge with conditions regarding septic pump-outs, campfires, potable water, First Responder and Public Works contact information – if the Board supports my recommendation.

Under normal conditions, I would recommend we amend the Conditional Use Permit (CUP) to acknowledge the campgrounds through conditions (the absence of such conditions in the original CUP brings us where we are today), which would involve adjacent property owner notification (if we knew the exact location of all RV's related to the project) and public hearings, which would take several months.

However, we are in a unique situation, as the project is slowly winding down, and I recommend that we follow the most prudent course of action for the County and issue temporary use permits that contain minimal conditions to protect the health, safety, and welfare of the workers and adjacent population and lands.

### **10 Acre zoning**

I completed the first draft for the RR10 zoning. Staff is reaching out to the Planning Commission to determine if they would prefer a special work session outside of their regular meeting night.

### **2. Code Enforcement**

Met with Stephanie and Rich on May 19, 2020 to discuss my first draft of the Code Enforcement amendments. They provided excellent suggestions and those are incorporated in the draft. I plan on taking this draft and the RR10 draft to the PC in July for a special work session, if the PC so chooses to hold a special meeting.

### **3. Public Works Collaboration**

Matt Scrivner gave me a tour of the County road projects and provided pertinent history on certain projects.

#### **4. Interchange Area Management Plan**

Attended meeting at Port of Morrow with Matt Scrivner on June 2, 2020 to discuss next steps for certain elements of the Management Plan, particularly the roundabout and updating socio-economic and traffic data. It was a great opportunity to meet a former employee (consultant for the Port on this project) and meet the Port staff, as well as the Boardman City Manager.

#### **5. Outreach**

Staff is making incremental headway in establishing contact with economic development and tourism partners. I will provide more in-depth summaries on outreach efforts as the COVID19 guidelines become less restrictive.

- I plan on attending Oregon's Rugged Country Agritourism Group meeting at 9:30 a.m. in Pendleton on June 9, 2020. I will attend in person.
- I postponed the MCEDG meeting for June as I would prefer to wait until we can meet as a group and provide a fellowship luncheon to recommit to collaborative economic and tourism development initiatives post-COVID19.
- I plan on attending the Port of Morrow meeting at 1:30 on June 10. I think it is very important to attend these meetings in person.



## PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE  
Irrigon, Oregon 97844  
(541) 922-4624

### MEMORANDUM

To: Morrow County Board of Commissioners  
From: Stephanie Case, Interim Planning Director  
Date: June 4, 2020  
RE: Planning Update

For the month of May, permit application numbers were again down. Now that Morrow County has entered Phase 2 and the construction season is here, we anticipate an increase in activity. This month the Planning Commission will have 2 applications in front of them, one for a Land Partition and another for a Variance to the Manufactured Home Age Standard.

The following represents current work and anticipated actions in the Planning Department:

#### **Energy Development Activities:**

Activity continues on the following energy facilities in Morrow County: Wheatridge, Orchard Wind, Shepherds Flat and Boardman-to-Hemingway. Morrow County Planning Department has received a request for pre-application meetings for Columbia Solar I & II, approximately 10 miles northeast of Lexington on Highway 207. The pre-application meetings will allow affected agencies to convey application requirements to the applicant prior to making the request to the County.

#### **Housing:**

Staff are coordinating with the Planning Commission to set a work session for a new residential zone in the Zoning Ordinance in the next month and will provide more information on that as it becomes available.

#### **Code Enforcement:**

As usual with the warmer weather, we have seen an increase in Code Enforcement complaints and continue to facilitate the program coordinating with the Sheriff's Department. The Ordinance update is in progress and is anticipated to be set for hearings at the end of the Summer.

#### **Continued Operations:**

It is anticipated that we will be open to the public next week, though due to limited waiting area space, we are looking into a doorbell and signs to serve one client at time. Many people are still calling to request appointments for application reviews and drop-offs. We have submitted application to Point and Pay to accept credit card payments, though we are still waiting for acceptance.

We are excited to see the approval of Phase 2 and look forward to a more normal way of business soon!

Stay healthy and safe all!

*Stephanie*

**From:** Michael McCarter <[CascadeCarry@outlook.com](mailto:CascadeCarry@outlook.com)>

**Sent:** Tuesday, June 2, 2020 9:16 PM

**To:** Jim Doherty <[jdoherty@co.morrow.or.us](mailto:jdoherty@co.morrow.or.us)>; Don Russell <[drussell@co.morrow.or.us](mailto:drussell@co.morrow.or.us)>; Melissa Lindsay <[mlindsay@co.morrow.or.us](mailto:mlindsay@co.morrow.or.us)>

**Subject:** Move Oregon's Border

From: Mike McCarter, President, Move Oregon's Border

To: Morrow County Board,

We are thankful that the County Clerk approved our prospective petition, but the governor's lockdown has greatly hampered our ability to collect enough signatures to get our petition on the ballot in November.

We are not asking you to take a position on moving the Oregon/Idaho border to make the territory of Morrow County into territory of Idaho.

But we hope you agree that the people of Morrow County deserve to have their voice be heard on this issue in November.

That's why we are asking you to refer a non-binding advisory question on this topic to the November ballot using SEL 801. If you do that, we won't need to collect any signatures. And your example will give courage to commissioners in other counties to do the same thing.

I'm writing today to ask you to refer this non-binding advisory question to the ballot: "Should county commissioners establish a committee to investigate and promote the possibility of making Morrow county a county of Idaho?"

There's a little manual on how to do a referral

here: <https://sos.oregon.gov/elections/Documents/ReferralManual.pdf>

And our preferred wording is attached to this email. It starts when your Board passes a resolution to refer a non-binding advisory question to the ballot. The next step is to file SEL 801 with the County Clerk.

If your Board does this, it won't be alone. Nine county boards in Illinois have already put a question about separating Illinois from Chicago on the November ballot. Three other county boards did so for their primary election in March, and the voters voted yes by 74%, 74% and 79%! <https://www.sjr.com/news/20200405/rural-counties-consider-alternative-type-of-social-distancing---kicking-chicago-out-of-illinois>

We are not asking you to take a position on this issue; we are only asking that you let your county vote on it. 14 counties have already approved our petition, so some counties will have their say. Will Morrow?

To read the full proposal to make rural Oregon a part of Idaho, click

here: [www.greateridaho.org/the\\_downloads/2019/main/Greater\\_Idaho\\_Proposal.pdf](http://www.greateridaho.org/the_downloads/2019/main/Greater_Idaho_Proposal.pdf)

To read press releases, visit: [www.GreaterIdaho.org](http://www.GreaterIdaho.org)

I am concerned by the report by Jackson County commissioners that the governor is only sharing federal COVID-19 money with the Portland area. <https://mailtribune.com/news/top-stories/jackson-county-says-governor-is-not-sharing-covid-19-relief-money>

I explained the greater Idaho concept in person to Lake County commissioners in February. The commissioners were concerned about the financial impact of switching states. So I did a study that showed that Idaho counties similar to Lake County got more money per person than Lake County did, even though in 2018 the average Idahoan paid \$1753 less taxes than the average Oregonian (that's for every adult or child, employed, retired or unemployed, and that was before Kate hiked taxes even higher). Here's a summary of the

study: [www.facebook.com/groups/GreaterIdaho/permalink/489511161713479](https://www.facebook.com/groups/GreaterIdaho/permalink/489511161713479) I admit that that study just looks at the amount of money going to the county government from the state, not the amount of welfare going to individuals. I believe that Morrow County citizens are willing to have less welfare available in your county in return for the lower taxes and greater freedom of Idaho governance.

Can I tell our supporters that you will or will not bring this to the Morrow County Board for a vote, and you will vote yes?

Mike McCarter

(503)339-5654

Respectfully,

**Mike McCarter,**

**Move Oregon's Border**

503-339-5654

[Cascadecarry@outlook.com](mailto:Cascadecarry@outlook.com)

*"Stand for the Flag and Kneel for the Cross"*



**From:** Ryan Neal <[ryann@portofmorrow.com](mailto:ryann@portofmorrow.com)>

**Sent:** Thursday, June 4, 2020 10:28 AM

**To:** Melissa Lindsay; Don Russell; Jim Doherty

**Cc:** Darrell Green

**Subject:** Gun Range Closure

Good Morning,

I met with the Morrow/Umatilla County Radio district yesterday and it has come to my attention that there has been significant misuse of the public gun range on Port property with rifles being shot and damaging equipment for emergency communication and into a one of UEC's substations. I also had a drive around with Vern Frederickson on Friday and he said similar issues and concerns at their corn silos and hay facilities. With the concern for safety and protecting the public, we will be shutting down the gun range immediately to all public activity and looking for alternatives in a place that is more risk adverse. We have notified Morrow County Sherriff office and also put signs and barricades up to notify traffic. If you have any questions please feel free to call or email me. Thanks.

**Ryan Neal**

Executive Director



T: 541-481-7678

M: 541-371-1546

F: 541-481-2679

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June 8, 2020

VIA ELECTRONIC FILING

Oregon Public Utility Commission  
Attn: Filing Center  
P.O. Box 1088  
Salem, OR 97308-1088

Re: In the Matter of Umatilla Electric Cooperation  
Case No. PCN 4  
Our File No. 020-054

To Whom It May Concern:

Enclosed for filing in the above-referenced matter is Gary and Casey Frederickson's Petition to Intervene.

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nick R. Blanc", is written over a light blue horizontal line.

Nick R. Blanc

Encl.  
cc. w/ encl. Gary and Casey Frederickson

**BEFORE THE UTILITY COMMISSION  
OF OREGON**

PCN 4

In the Matter of

UMATILLA ELECTRIC COOPERATIVE,

Petition for Certification of Public Convenience  
and Necessity.

GARY AND CASEY FREDERICKSON'S  
PETITION TO INTERVENE

Gary and Casey Frederickson (the "Fredericksons") respectfully petition to intervene in this proceeding pursuant to OAR 860-001-0300 and ORS 756.525. In support of this petition, the Fredericksons provide the following information:

(a) Gary and Casey Frederickson  
79206 Rippee Rd.  
Boardman, OR 97818

(b) The name and address of the person to be included on the official service list in this proceeding is:

Nick R. Blanc  
Attorney at Law  
39 S.E. Court Ave.  
Pendleton, OR 97801  
Telephone: (541) 215-4810  
Fax: (541) 215-6609  
Email: [nblanc@blancfirm.com](mailto:nblanc@blancfirm.com)

(c) The Fredericksons are individuals residing in Morrow County, Oregon. The Frederickson's property neighbors those properties where Umatilla Electric Cooperative ("UEC")

is seeking to put its power lines, and the roadway that UEC proposes to use as part of the route of its proposed transmission line is directly adjacent to the Frederickson's property.

(d) The Fredericksons have a direct and substantial interest in the issues raised in this proceeding and have submitted public comment in the matter.

(e) The Fredericksons intend to monitor the proceeding and, if necessary, raise issues and submit further testimony appropriate to the proceedings. No other party could adequately represent the interest of the Fredericksons.

(f) Based on the information provided above in compliance with the Commission's rules and procedures, the Fredericksons request approval to participate in these proceedings as an intervenor. The Frederickson's participation in this matter will not unreasonably burden the issues or the record, or unreasonably delay the proceeding.

The Fredericksons therefore respectfully request that the commission grant this petition to intervene.

DATED this 8<sup>th</sup> day of June, 2020.

THE BLANC FIRM, LLC  
Attorneys for Gary and Casey Frederickson

/s/ Nick R. Blanc  
Nick R. Blanc, OSB No. 150818  
39 SE Court Ave.  
Pendleton, OR 97801  
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